

Exhibit D to the Complaint.

**U.S. Patent No. 8,671,195 v. Activision Publishing, Inc.  
Claims 1, 7, 9, 17, 19**

Exhibit D to the Complaint.

## 1. Claim Chart


Claim	Analysis
<p>[1.P] A digital media communication protocol, comprising:</p>	<p>Activision Publishing, Inc. (“Company”) makes, uses, sells and/or offers to sell a digital media communication protocol.</p> <p>This element is infringed literally, or in the alternative, under the doctrine of equivalents.</p> <p>For example, the Company provides Call of Duty: Modern Warfare III, an internet-based game featuring Voice Chat. Voice Chat enables players to communicate with their friends through a wireless connection. Furthermore, Voice Chat includes a Voice Chat Moderation feature, wherein voice chats are sent to the Activision server via a wireless internet connection (“digital media communication protocol”).</p>  <p>Source: <a href="https://www.callofduty.com/">https://www.callofduty.com/</a></p>

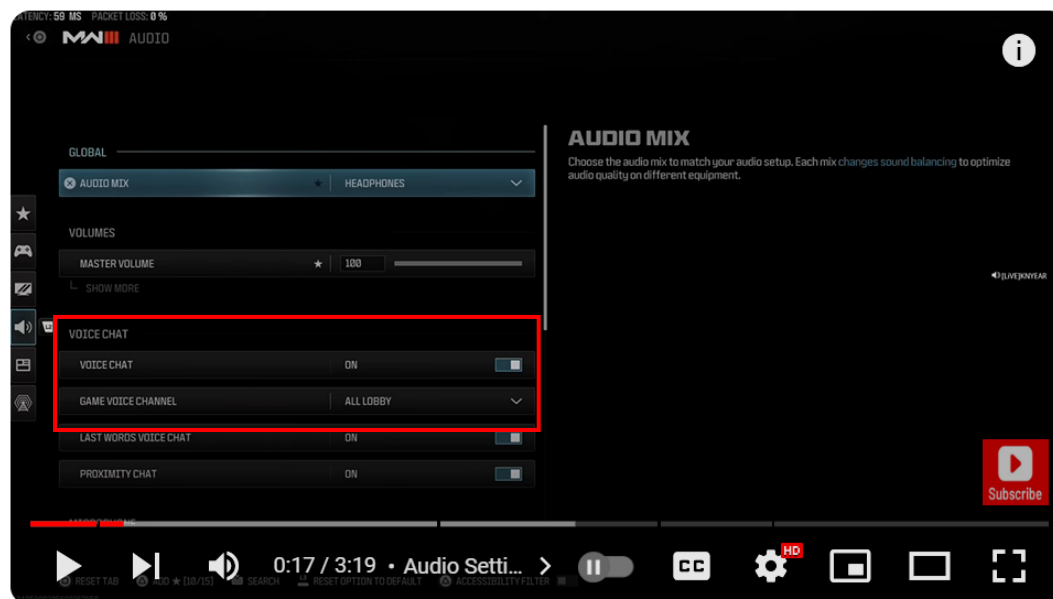
Exhibit D to the Complaint.

The following system specifications for *Call of Duty®: Modern Warfare® III* refer to desktop PCs. While some laptop PCs use graphics cards that align with the requirements below, they can be different models and are therefore not supported. Be sure to reference your PC owner's manual if you are unsure about your PC's specifications.

All specifications below require a broadband internet connection and DirectX 12 compatibility.

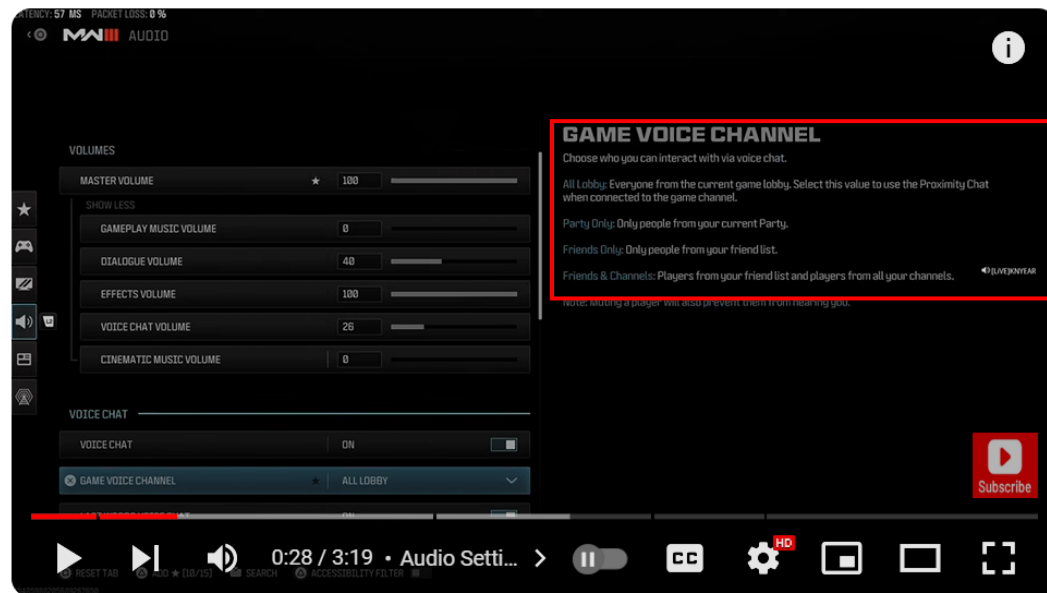
Specs are valid for product at launch and may be updated in the future. Additional storage space may be required for mandatory game updates.

Source: <https://support.activision.com/modern-warfare-iii/articles/pc-system-requirements-for-modern-warfare-iii>



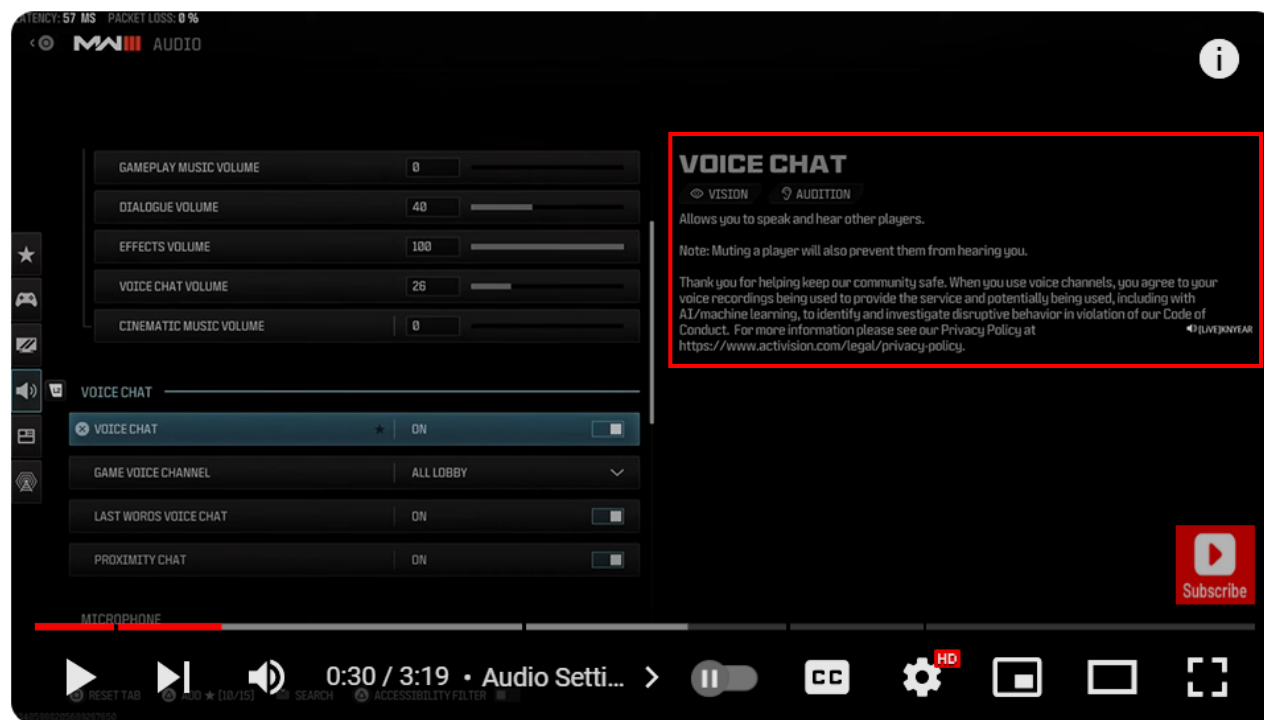
Source: <https://www.youtube.com/watch?v=FQNQUfAFVuE> at 0:17

Exhibit D to the Complaint.



Source: <https://www.youtube.com/watch?v=FQNQUfAFVuE> at 0:28

Exhibit D to the Complaint.



Source: <https://www.youtube.com/watch?v=FQNQUfAFVuE> at 0:30

Exhibit D to the Complaint.

If you're having trouble connecting to *Call of Duty: Modern Warfare III*, you should first check ***Call of Duty: Modern Warfare III Server Status***.

If the status indicator for your platform is not green or an alert is present, you might encounter connectivity issues until service is restored and fully operational.

However, if the status indicator is green and no alerts are posted, several other factors could be affecting the quality of your connection.

***We strongly recommend using a wired Ethernet connection during online gameplay. A wired connection will allow your system to achieve optimal performance when playing an online game. Wi-Fi connections have a wide variance in reliability and bandwidth, and can dramatically affect the quality of online gameplay. Wired Ethernet connections will maintain the minimum bandwidth connection that is required for online gaming.***

Source: <https://support.activision.com/modern-warfare-iii/articles/connecting-to-modern-warfare-iii>

Exhibit D to the Complaint.

	<p>The following tests require you to log in to the <u>router on your home network to troubleshoot your network</u>. You will need your router's login credentials to proceed. If you do not know your router's login credentials, you will need to contact your Internet Service Provider.</p> <p>These tests refer to options that are typically found in a router's menu. If you cannot find what you're looking for, please refer to your router's manual.</p> <p>You may not need to perform all of these tests, so be sure to test the game after attempting each one.</p> <p>If you are on an institutional (school), corporate, or another shared network, please refer to your network administrator for further assistance.</p> <p>Source: <a href="https://support.activision.com/modern-warfare-iii/articles/connecting-to-modern-warfare-iii">https://support.activision.com/modern-warfare-iii/articles/connecting-to-modern-warfare-iii</a></p> <p>📌 1. Why has Call of Duty added voice chat moderation?</p> <div style="border: 1px solid red; padding: 5px;"> <p><i>Call of Duty</i>®'s new voice moderation protects players by proactively identifying toxic behavior and enforcing the <i>Call of Duty</i> <b>Code of Conduct</b>, allowing our community to focus on the fun.</p> </div> <p>Player reporting is still valuable and available in game for players to communicate instances of toxic or disruptive behavior they may encounter; however, voice chat moderation will increase our ability to identify and enforce against bad behavior that has gone unreported.</p> <p>Source: <a href="https://support.activision.com/articles/call-of-duty-voice-chat-moderation">https://support.activision.com/articles/call-of-duty-voice-chat-moderation</a></p>
--	--

Exhibit D to the Complaint.

	<p><b>❶ 2. How does Call of Duty's voice chat moderation work?</b></p> <p>Voice Chat Moderation is managed and operated by Activision and uses the AI-powered model ToxMod from Modulate. This system is integrated into select <i>Call of Duty</i> titles (see below) and is managed by Activision. Voice chat is monitored and recorded to identify and investigate disruptive behavior in violation of the <i>Call of Duty</i> <b><u>Code of Conduct</u></b>.</p> <p><i>Call of Duty's</i> Voice Chat Moderation system is focused on detecting harm within voice chat versus specific keywords. Violations of the <i>Call of Duty</i> Code of Conduct are subject to account enforcement.</p> <p>Source: <a href="https://support.activision.com/articles/call-of-duty-voice-chat-moderation">https://support.activision.com/articles/call-of-duty-voice-chat-moderation</a></p> <p>One can only hope that the ToxMod rollout is successful and doesn't result in <u>unfair bans that many <i>Call of Duty</i> players have experienced</u>. Speaking about ToxMod, Activision chief technology officer Michael Vance says "This is a critical step forward to creating and maintaining a fun, fair and welcoming experience for all players." It is clear that Activision is taking toxicity on its servers very seriously, so while there may be some early teething problems with the new system, some cautious optimism may be in order.</p> <p>Source: <a href="https://gamerant.com/call-of-duty-modern-warfare-3-ai-voice-chat-moderation/">https://gamerant.com/call-of-duty-modern-warfare-3-ai-voice-chat-moderation/</a></p> <p>Further, to the extent this element is performed at least in part by Defendant's software source code, Plaintiff shall supplement these contentions pursuant to production of such source code by the Defendant.</p>
<p>[1.1] at least one media terminal disposed in an accessible relation to at least one interactive</p>	<p>Company makes, uses, sells and/or offers to sell at least one media terminal disposed in an accessible relation to at least one interactive computer network.</p> <p>This element is infringed literally, or in the alternative, under the doctrine of equivalents.</p> <p>For example, Call of Duty: Modern Warfare is accessible on both PCs and laptops, with the game installed on the player's PC or laptop ("media terminal"). Players engage in communication with one another through the Voice Chat feature. When a player utilizes Voice Chat, their voice chats are transmitted from their PC or laptop to the Activision</p>



Exhibit D to the Complaint.

computer network,	<p>server via a wireless internet connection (“interactive computer network”). Given that players need to connect to a wireless internet connection for both playing the game and engaging in voice chat communication, it is apparent that the player's PC or laptop maintains an accessible relationship with the interactive computer network.</p> <div data-bbox="436 391 1671 483" style="border: 2px solid red; padding: 5px;"> <p>The following system specifications for <i>Call of Duty®: Modern Warfare® III</i> refer to desktop PCs. While some laptop PCs use graphics cards that align with the</p> </div> <p>requirements below, they can be different models and are therefore not supported. Be sure to reference your PC owner's manual if you are unsure about your PC's specifications.</p> <p>All specifications below require a broadband internet connection and DirectX 12 compatibility.</p> <p>Specs are valid for product at launch and may be updated in the future. Additional storage space may be required for mandatory game updates.</p> <p>Source: <a href="https://support.activision.com/modern-warfare-iii/articles/pc-system-requirements-for-modern-warfare-iii">https://support.activision.com/modern-warfare-iii/articles/pc-system-requirements-for-modern-warfare-iii</a> (annotated)</p>
-------------------	--

media  
terminal

Exhibit D to the Complaint.

If you're having trouble connecting to *Call of Duty: Modern Warfare III*, you should first check ***Call of Duty: Modern Warfare III Server Status***.

If the status indicator for your platform is not green or an alert is present, you might encounter connectivity issues until service is restored and fully operational.

However, if the status indicator is green and no alerts are posted, several other factors could be affecting the quality of your connection.

*We strongly recommend using a wired Ethernet connection during online gameplay. A wired connection will allow your system to achieve optimal performance when playing an online game. Wi-Fi connections have a wide variance in reliability and bandwidth, and can dramatically affect the quality of online gameplay. Wired Ethernet connections will maintain the minimum bandwidth connection that is required for online gaming.*

interactive  
computer  
network

Source: <https://support.activision.com/modern-warfare-iii/articles/connecting-to-modern-warfare-iii> (annotated)

The following tests require you to log in to the router on your home network to troubleshoot your network. You will need your router's login credentials to proceed. If you do not know your router's login credentials, you will need to contact your Internet Service Provider.

These tests refer to options that are typically found in a router's menu. If you cannot find what you're looking for, please refer to your router's manual.

You may not need to perform all of these tests, so be sure to test the game after attempting each one.

If you are on an institutional (school), corporate, or another shared network, please refer to your network administrator for further assistance.

Exhibit D to the Complaint.

	<p>Source: <a href="https://support.activision.com/modern-warfare-iii/articles/connecting-to-modern-warfare-iii">https://support.activision.com/modern-warfare-iii/articles/connecting-to-modern-warfare-iii</a></p> <p>Further, to the extent this element is performed at least in part by Defendant's software source code, Plaintiff shall supplement these contentions pursuant to production of such source code by the Defendant.</p>
<p>[1.2] a wireless range structured to permit authorized access to said at least one interactive computer network,</p>	<p>Company makes, uses, sells and/or offers to sell a wireless range structured to permit authorized access to said at least one interactive computer network.</p> <p>This element is infringed literally, or in the alternative, under the doctrine of equivalents.</p> <p>For example, the player's PC or laptop logs in to the router using its login credentials ("authorized access") for establishing wireless connection to the wireless internet ("interactive computer network"). As wireless routers inherently possess a specified range, therefore, it is apparent to a person having ordinary skill in the art that a wireless range is structured to permit authorized access to at least one interactive computer network.</p> <div style="border: 1px solid red; padding: 5px;"> <p>If you're having trouble connecting to <i>Call of Duty: Modern Warfare III</i>, you should first check <b><u>Call of Duty: Modern Warfare III Server Status</u></b>.</p> </div> <p>If the status indicator for your platform is not green or an alert is present, you might encounter connectivity issues until service is restored and fully operational.</p> <p>However, if the status indicator is green and no alerts are posted, several other factors could be affecting the quality of your connection.</p> <div style="background-color: #4682B4; color: white; padding: 10px; margin-top: 10px;"> <p><b><i>We strongly recommend using a wired Ethernet connection during online gameplay. A wired connection will allow your system to achieve optimal performance when playing an online game. Wi-Fi connections have a wide variance in reliability and bandwidth, and can dramatically affect the quality of online gameplay. Wired Ethernet connections will maintain the minimum bandwidth connection that is required for online gaming.</i></b></p> </div>

Exhibit D to the Complaint.

Source: <https://support.activision.com/modern-warfare-iii/articles/connecting-to-modern-warfare-iii>

The following tests require you to log in to the router on your home network to troubleshoot your network. You will need your router's login credentials to proceed. If you do not know your router's login credentials, you will need to contact your Internet Service Provider.

These tests refer to options that are typically found in a router's menu. If you cannot find what you're looking for, please refer to your router's manual.

You may not need to perform all of these tests, so be sure to test the game after attempting each one.

If you are on an institutional (school), corporate, or another shared network, please refer to your network administrator for further assistance.

Source: <https://support.activision.com/modern-warfare-iii/articles/connecting-to-modern-warfare-iii>

Call of Duty is taking the next leap forward in its commitment to combat toxic and disruptive behavior with in-game voice chat moderation beginning with the launch of *Call of Duty®: Modern Warfare® III* this November 10th. Activision will team with Modulate to deliver global real-time voice chat moderation, at-scale, starting with this fall's upcoming Call of Duty blockbuster.

Call of Duty's new voice chat moderation system utilizes ToxMod, the AI-Powered voice chat moderation technology from Modulate, to identify in real-time and enforce against toxic speech—including hate speech, discriminatory language, harassment and more. This new development will bolster the ongoing moderation systems led by the Call of Duty anti-toxicity team, which includes text-based filtering across 14 languages for in-game text [chat and usernames] as well as a robust in-game player reporting system.

Source: <https://www.callofduty.com/blog/2023/08/call-of-duty-modern-warfare-warzone-anti-toxicity-progress-report>

Exhibit D to the Complaint.

	<p>One can only hope that the ToxMod rollout is successful and doesn't result in <u>unfair bans that many <i>Call of Duty</i> players have experienced</u>. Speaking about ToxMod, Activision chief technology officer Michael Vance says “This is a critical step forward to creating and maintaining a fun, fair and welcoming experience for all players.” It is clear that Activision is taking toxicity on its servers very seriously, so while there may be some early teething problems with the new system, some cautious optimism may be in order.</p> <p>Source: <a href="https://gamerant.com/call-of-duty-modern-warfare-3-ai-voice-chat-moderation/">https://gamerant.com/call-of-duty-modern-warfare-3-ai-voice-chat-moderation/</a></p> <p>Further, to the extent this element is performed at least in part by Defendant’s software source code, Plaintiff shall supplement these contentions pursuant to production of such source code by the Defendant.</p>
<p>[1.3] at least one media node disposable within said wireless range, wherein said at least one media node is detectable by said at least one media terminal,</p>	<p>Company makes, uses, sells and/or offers to sell at least one media node disposable within said wireless range, wherein said at least one media node is detectable by said at least one media terminal.</p> <p>This element is infringed literally, or in the alternative, under the doctrine of equivalents.</p> <p>For example, the player establishes a connection to the wireless internet by logging into local wireless router. Subsequently, during gameplay, the player's PC or laptop (“media terminal”) transmits voice chats to the Activision server (“media node”) through the established wireless connection. Given that wireless routers have a defined range and the player's PC or laptop connects to it before initiating an internet connection, it follows that the player's PC or laptop communicates with the Activision server. Therefore, upon information and belief, the server is disposed within said wireless range and it is detectable by the player’s PC or laptop.</p>

Exhibit D to the Complaint.

If you're having trouble connecting to *Call of Duty: Modern Warfare III*, you should first check ***Call of Duty: Modern Warfare III Server Status***.

If the status indicator for your platform is not green or an alert is present, you might encounter connectivity issues until service is restored and fully operational.

However, if the status indicator is green and no alerts are posted, several other factors could be affecting the quality of your connection.

*We strongly recommend using a wired Ethernet connection during online gameplay. A wired connection will allow your system to achieve optimal performance when playing an online game. Wi-Fi connections have a wide variance in reliability and bandwidth, and can dramatically affect the quality of online gameplay. Wired Ethernet connections will maintain the minimum bandwidth connection that is required for online gaming.*

Source: <https://support.activision.com/modern-warfare-iii/articles/connecting-to-modern-warfare-iii>

The following tests require you to log in to the router on your home network to troubleshoot your network. You will need your router's login credentials to proceed. If you do not know your router's login credentials, you will need to contact your Internet Service Provider.

These tests refer to options that are typically found in a router's menu. If you cannot find what you're looking for, please refer to your router's manual.

You may not need to perform all of these tests, so be sure to test the game after attempting each one.

If you are on an institutional (school), corporate, or another shared network, please refer to your network administrator for further assistance.

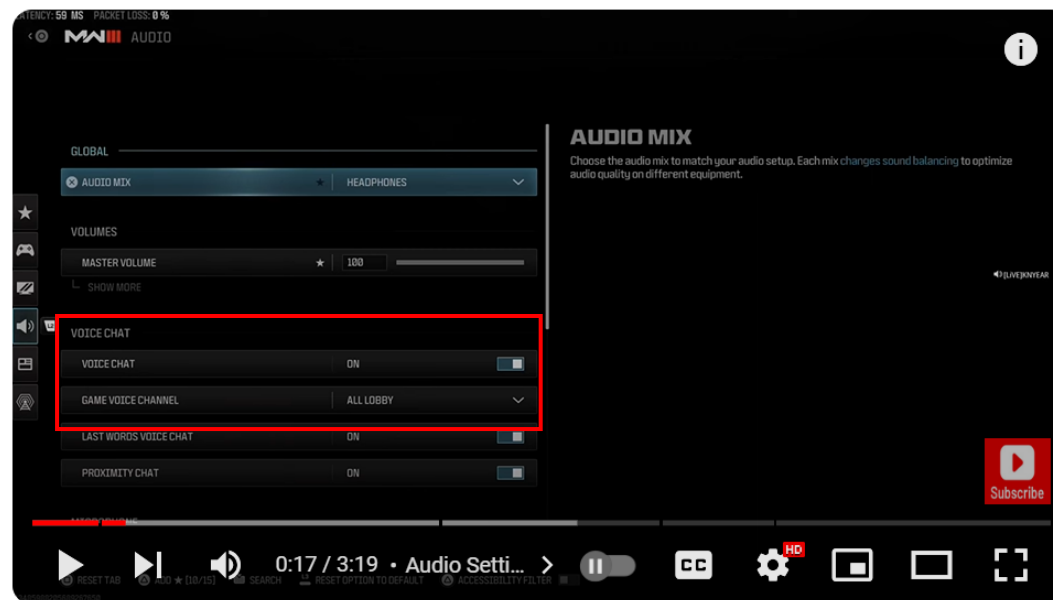
Exhibit D to the Complaint.

Source: <https://support.activision.com/modern-warfare-iii/articles/connecting-to-modern-warfare-iii>

Moving over in the navigation panel is a tab called Channels. This is another social tool that you and your friends can use to access and manage your party and other Social channels you may wish to create and keep track of the players you game with.

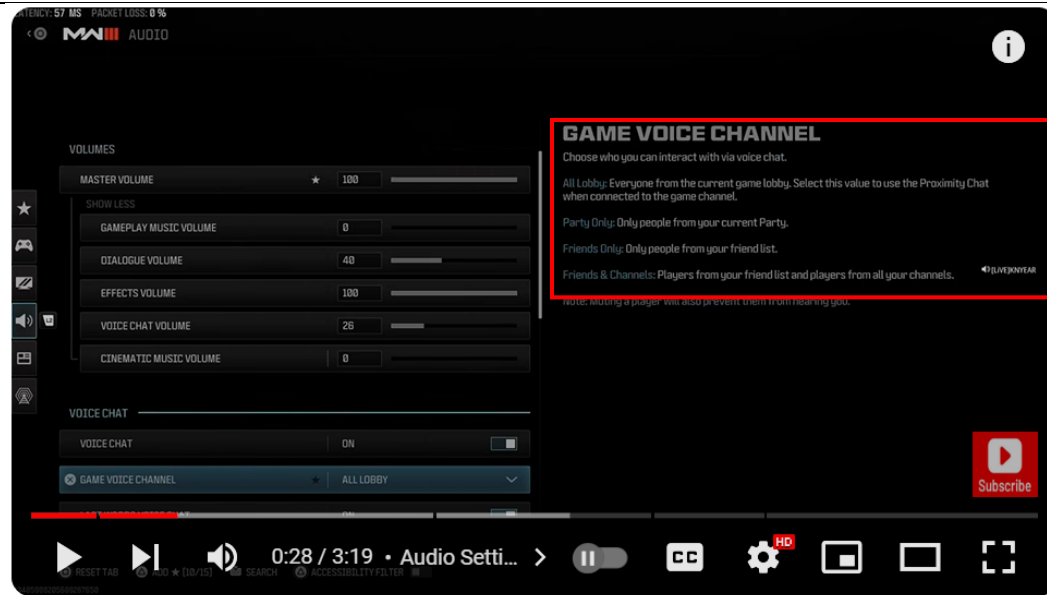
Select the Party Channel to invite players to your party and change the party settings. You can have up to 32 players in your party and maintain a voice channel for everyone to socialize in while you play. This party does not mean that you can all play together at once, but you can at least continue chatting with each other.

Source: <https://www.callofduty.com/guides/getting-started/call-of-duty-modern-warfare-iii-play-guides-getting-started-guide>



Source: <https://www.youtube.com/watch?v=FQNQUfAFVuE> at 0:17

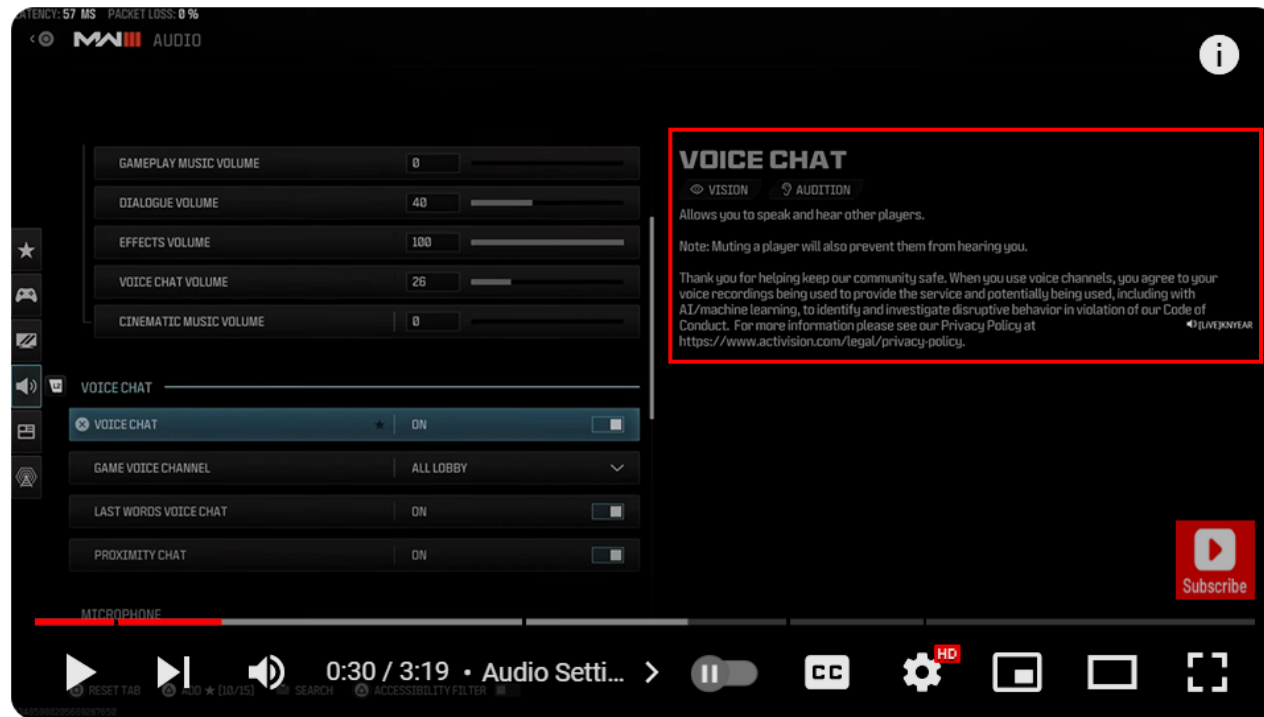
Exhibit D to the Complaint.



Source: <https://www.youtube.com/watch?v=FQNQUfAFVuE> at 0:28



Exhibit D to the Complaint.



Source: <https://www.youtube.com/watch?v=FQNQUfAFVuE> at 0:30

Further, to the extent this element is performed at least in part by Defendant's software source code, Plaintiff shall supplement these contentions pursuant to production of such source code by the Defendant.

[1.4] at least one digital media file initially disposed on at least one of said at least one media terminal or said at least	<p>Company makes, uses, sells and/or offers to sell at least one digital media file initially disposed on at least one of said at least one media terminal or said at least one media node, said at least one media terminal being structured to detect said at least one media node disposed within said wireless range.</p> <p>This element is infringed literally, or in the alternative, under the doctrine of equivalents.</p> <p>For example, the player's PC or laptop ("media terminal") sends voice chats ("digital media file") to the server ("media node") through the wireless connection. Therefore, upon information and belief, the digital media file is initially disposed on the sender's platform ("media terminal"). It would be apparent to a person of ordinary skill in the art that</p>
---	--

Exhibit D to the Complaint.

<p>one media node, said at least one media terminal being structured to detect said at least one media node disposed within said wireless range,</p>	<p>the sender's platform ("media terminal") is structured to detect at least one media node located within the wireless range.</p> <p><b>❶ 2. How does Call of Duty's voice chat moderation work?</b></p> <p>Voice Chat Moderation is managed and operated by Activision and uses the AI-powered model ToxMod from Modulate. This system is integrated into select <i>Call of Duty</i> titles (see below) and is managed by Activision. <u>Voice chat is monitored and recorded</u> to identify and investigate disruptive behavior in violation of the <i>Call of Duty</i> <b><u>Code of Conduct</u></b>.</p> <p><i>Call of Duty's</i> Voice Chat Moderation system is focused on detecting harm within voice chat versus specific keywords. Violations of the <i>Call of Duty</i> Code of Conduct are subject to account enforcement.</p> <p>Source: <a href="https://support.activision.com/articles/call-of-duty-voice-chat-moderation">https://support.activision.com/articles/call-of-duty-voice-chat-moderation</a></p> <p>One can only hope that the ToxMod rollout is successful and doesn't result in <u>unfair bans that many <i>Call of Duty</i> players have experienced</u>. Speaking about ToxMod, Activision chief technology officer Michael Vance says "This is a critical step forward to creating and maintaining a fun, fair and welcoming experience for all players." It is clear that Activision is taking toxicity on its servers very seriously, so while there may be some early teething problems with the new system, some cautious optimism may be in order.</p> <p>Source: <a href="https://gamerant.com/call-of-duty-modern-warfare-3-ai-voice-chat-moderation/">https://gamerant.com/call-of-duty-modern-warfare-3-ai-voice-chat-moderation/</a></p>
--	---

Exhibit D to the Complaint.

	<p>The following system specifications for <i>Call of Duty®: Modern Warfare® III</i> refer to desktop PCs. While some laptop PCs use graphics cards that align with the requirements below, they can be different models and are therefore not supported. Be sure to reference your PC owner's manual if you are unsure about your PC's specifications.</p> <p>All specifications below require a broadband internet connection and DirectX 12 compatibility.</p> <p>Specs are valid for product at launch and may be updated in the future. Additional storage space may be required for mandatory game updates.</p> <p>Source: <a href="https://support.activision.com/modern-warfare-iii/articles/pc-system-requirements-for-modern-warfare-iii">https://support.activision.com/modern-warfare-iii/articles/pc-system-requirements-for-modern-warfare-iii</a> (annotated)</p>
--	--

Exhibit D to the Complaint.

If you're having trouble connecting to *Call of Duty: Modern Warfare III*, you should first check **Call of Duty: Modern Warfare III Server Status**.

If the status indicator for your platform is not green or an alert is present, you might encounter connectivity issues until service is restored and fully operational.

However, if the status indicator is green and no alerts are posted, several other factors could be affecting the quality of your connection.

*We strongly recommend using a wired Ethernet connection during online gameplay. A wired connection will allow your system to achieve optimal performance when playing an online game. Wi-Fi connections have a wide variance in reliability and bandwidth, and can dramatically affect the quality of online gameplay. Wired Ethernet connections will maintain the minimum bandwidth connection that is required for online gaming.*

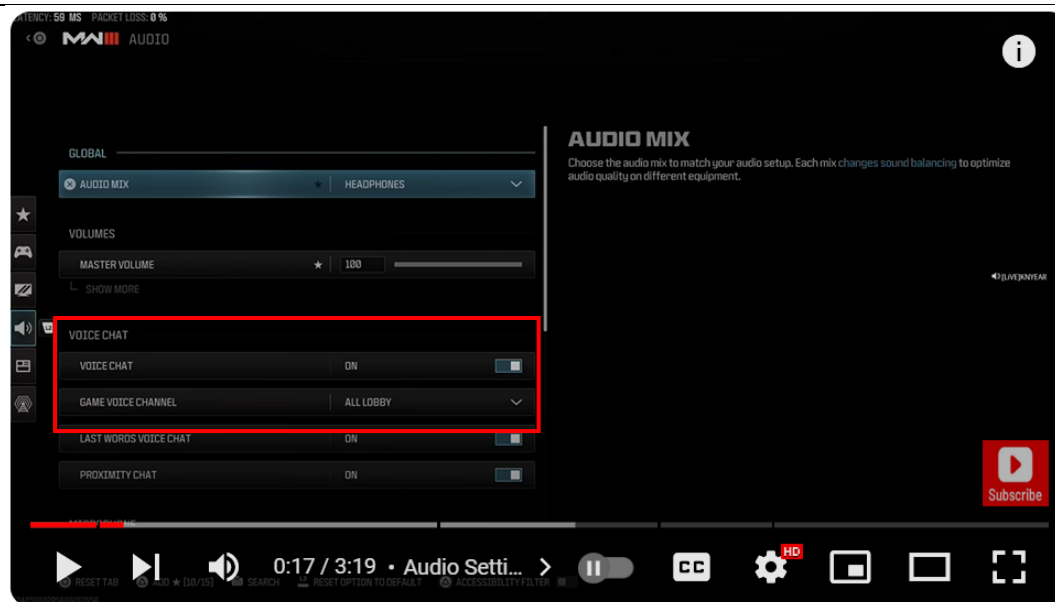
Source: <https://support.activision.com/modern-warfare-iii/articles/connecting-to-modern-warfare-iii>

Moving over in the navigation panel is a tab called Channels. This is another social tool that you and your friends can use to access and manage your party and other Social channels you may wish to create and keep track of the players you game with.

Select the Party Channel to invite players to your party and change the party settings. You can have up to 32 players in your party and maintain a voice channel for everyone to socialize in while you play. This party does not mean that you can all play together at once, but you can at least continue chatting with each other.

Source: <https://www.callofduty.com/guides/getting-started/call-of-duty-modern-warfare-iii-play-guides-getting-started-guide>

Exhibit D to the Complaint.



Source: <https://www.youtube.com/watch?v=FQNQUfAFVuE> at 0:17 (annotated)

Exhibit D to the Complaint.

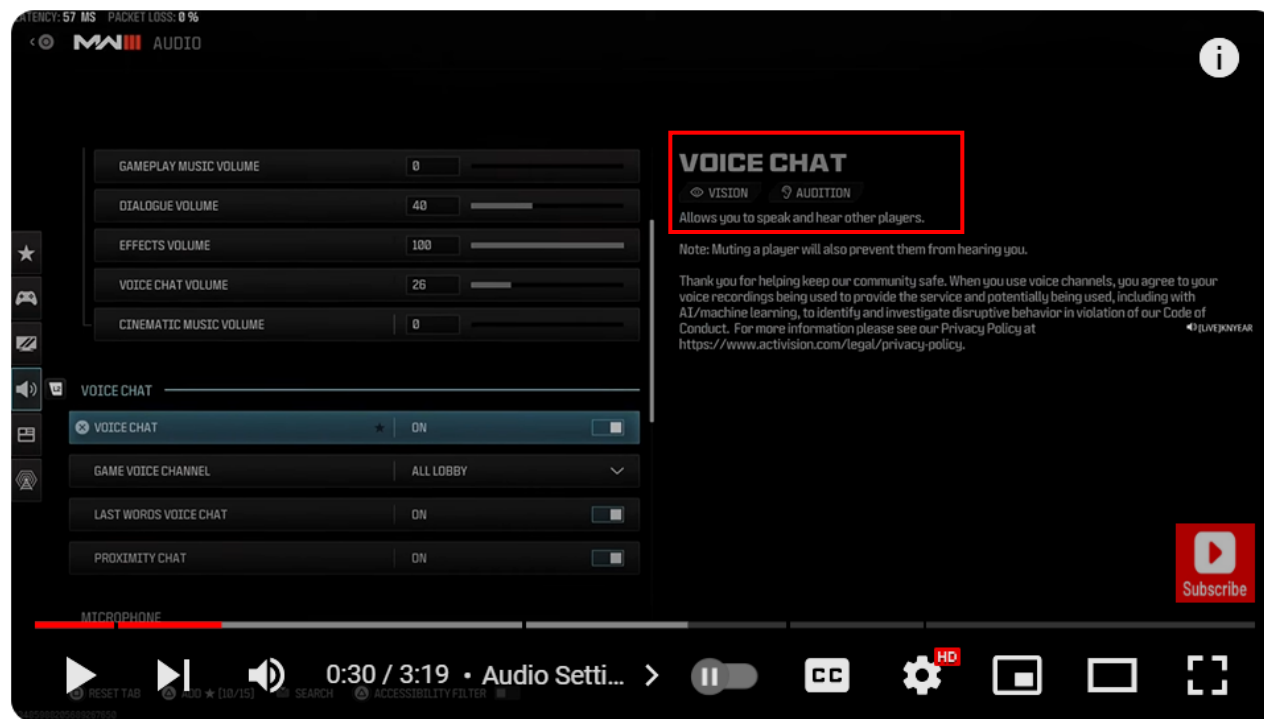


Exhibit D to the Complaint.

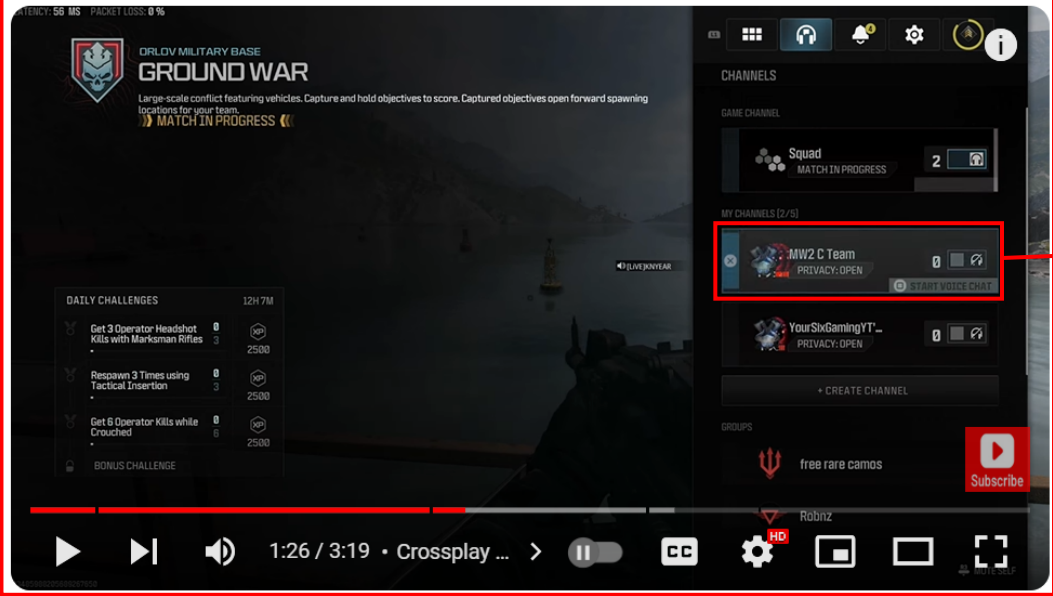
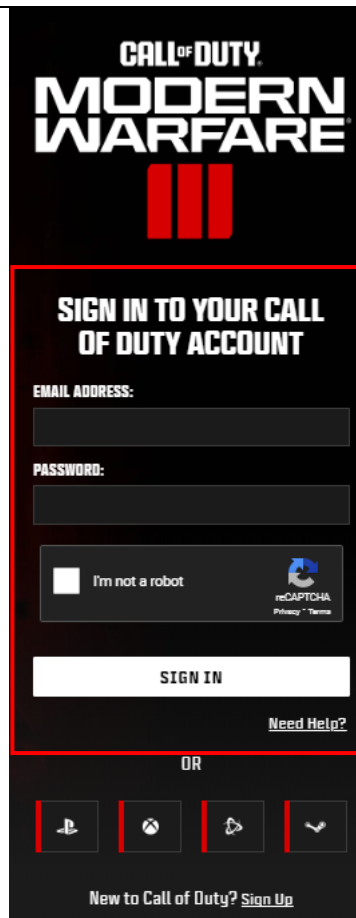
	 <p>Source: <a href="https://www.youtube.com/watch?v=FQNQUfAFVuE">https://www.youtube.com/watch?v=FQNQUfAFVuE</a> at 1:26 (annotated)</p> <p>Further, to the extent this element is performed at least in part by Defendant's software source code, Plaintiff shall supplement these contentions pursuant to production of such source code by the Defendant.</p>
<p>[1.5] a communication link structured to dispose said at least one media terminal and said at least one media node in a communicative relation with</p>	<p>Company makes, uses, sells and/or offers to sell a communication link structured to dispose said at least one media terminal and said at least one media node in a communicative relation with one another via said at least one interactive computer network.</p> <p>This element is infringed literally, or in the alternative, under the doctrine of equivalents.</p> <p>For example, once connected to the wireless internet, the player initiates the login process to their Activision account using their PC or laptop ("media terminal"). This involves entering login credentials such as email and password through the wireless connection ("one interactive computer network"). Consequently, this procedure establishes a communication channel ("a communication link structured to dispose") between the player's PC or laptop and the Activision server ("media node").</p>

Exhibit D to the Complaint.

one another via  
said at least  
one interactive  
computer  
network,

The image shows the login page for Call of Duty Modern Warfare III. At the top, the game title "CALL OF DUTY MODERN WARFARE III" is displayed in white and red. Below this, a red rectangular box highlights the login section. Inside this box, the text "SIGN IN TO YOUR CALL OF DUTY ACCOUNT" is at the top. Below it are two input fields: "EMAIL ADDRESS:" and "PASSWORD:". Under the password field is a checkbox labeled "I'm not a robot" next to a reCAPTCHA logo. At the bottom of the red box is a white "SIGN IN" button. Below the red box, the word "OR" is centered, followed by four icons for different platforms: PlayStation, Xbox, Steam, and Nintendo Switch. At the very bottom, it says "New to Call of Duty? Sign Up".

sender login to  
sender's  
platform

Source:

<https://profile.callofduty.com/cod/login?redirectUrl=https%3A%2F%2Fwww.callofduty.com%2F&promo=jpt>  
(annotated)



Exhibit D to the Complaint.

	<p>The following system specifications for <i>Call of Duty®: Modern Warfare® III</i> refer to desktop PCs. While some laptop PCs use graphics cards that align with the requirements below, they can be different models and are therefore not supported. Be sure to reference your PC owner's manual if you are unsure about your PC's specifications.</p> <p>All specifications below require a broadband internet connection and DirectX 12 compatibility.</p> <p>Specs are valid for product at launch and may be updated in the future. Additional storage space may be required for mandatory game updates.</p> <p>Source: <a href="https://support.activision.com/modern-warfare-iii/articles/pc-system-requirements-for-modern-warfare-iii">https://support.activision.com/modern-warfare-iii/articles/pc-system-requirements-for-modern-warfare-iii</a> (annotated)</p>	<p>media terminal</p>
--	--	---------------------------

Exhibit D to the Complaint.

If you're having trouble connecting to *Call of Duty: Modern Warfare III*, you should first check **Call of Duty: Modern Warfare III Server Status**.

If the status indicator for your platform is not green or an alert is present, you might encounter connectivity issues until service is restored and fully operational.

However, if the status indicator is green and no alerts are posted, several other factors could be affecting the quality of your connection.

*We strongly recommend using a wired Ethernet connection during online gameplay. A wired connection will allow your system to achieve optimal performance when playing an online game. Wi-Fi connections have a wide variance in reliability and bandwidth, and can dramatically affect the quality of online gameplay. Wired Ethernet connections will maintain the minimum bandwidth connection that is required for online gaming.*

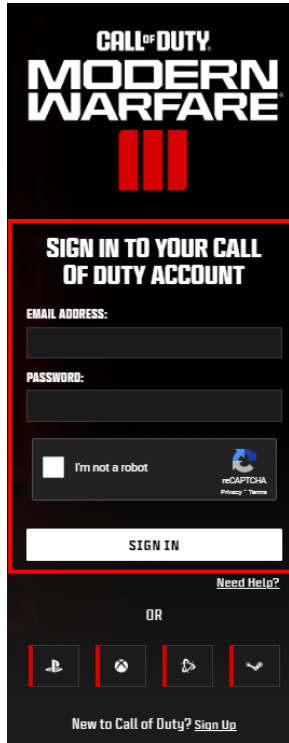
Source: <https://support.activision.com/modern-warfare-iii/articles/connecting-to-modern-warfare-iii>

One can only hope that the ToxMod rollout is successful and doesn't result in unfair bans that many *Call of Duty* players have experienced. Speaking about ToxMod, Activision chief technology officer Michael Vance says "This is a critical step forward to creating and maintaining a fun, fair and welcoming experience for all players." It is clear that Activision is taking toxicity on its servers very seriously, so while there may be some early teething problems with the new system, some cautious optimism may be in order.

Source: <https://gamerant.com/call-of-duty-modern-warfare-3-ai-voice-chat-moderation/>

Further, to the extent this element is performed at least in part by Defendant's software source code, Plaintiff shall supplement these contentions pursuant to production of such source code by the Defendant.

Exhibit D to the Complaint.

<p>[1.6] said communication link being initiated by said at least one media terminal,</p>	<p>Company makes, uses, sells and/or offers to sell said communication link being initiated by said at least one media terminal.</p> <p>This element is infringed literally, or in the alternative, under the doctrine of equivalents.</p> <p>For example, the player's PC or laptop initiates login process by inputting the login credentials such as email and password. This process established the communication channel between the player's PC or laptop and the server.</p> <div data-bbox="428 529 714 1268">  </div> <p>Source:  <a href="https://profile.callofduty.com/cod/login?redirectUrl=https%3A%2F%2Fwww.callofduty.com%2F&amp;promo=jpt">https://profile.callofduty.com/cod/login?redirectUrl=https%3A%2F%2Fwww.callofduty.com%2F&amp;promo=jpt</a>  (annotated)</p>
---	--

sender login to  
sender's  
platform

Exhibit D to the Complaint.

	<p>The following system specifications for <i>Call of Duty®: Modern Warfare® III</i> refer to desktop PCs. While some laptop PCs use graphics cards that align with the requirements below, they can be different models and are therefore not supported. Be sure to reference your PC owner's manual if you are unsure about your PC's specifications.</p> <p>All specifications below require a broadband internet connection and DirectX 12 compatibility.</p> <p>Specs are valid for product at launch and may be updated in the future. Additional storage space may be required for mandatory game updates.</p> <p>Source: <a href="https://support.activision.com/modern-warfare-iii/articles/pc-system-requirements-for-modern-warfare-iii">https://support.activision.com/modern-warfare-iii/articles/pc-system-requirements-for-modern-warfare-iii</a> (annotated)</p>	<p>media terminal</p>
--	--	---------------------------

Exhibit D to the Complaint.

	<p>If you're having trouble connecting to <i>Call of Duty: Modern Warfare III</i>, you should first check <b><u><i>Call of Duty: Modern Warfare III Server Status</i></u></b>.</p> <p>If the status indicator for your platform is not green or an alert is present, you might encounter connectivity issues until service is restored and fully operational.</p> <p>However, if the status indicator is green and no alerts are posted, several other factors could be affecting the quality of your connection.</p> <div style="background-color: #4682B4; color: white; padding: 10px; margin: 10px 0;"> <p><i>We strongly recommend using a wired Ethernet connection during online gameplay. A wired connection will allow your system to achieve optimal performance when playing an online game. Wi-Fi connections have a wide variance in reliability and bandwidth, and can dramatically affect the quality of online gameplay. Wired Ethernet connections will maintain the minimum bandwidth connection that is required for online gaming.</i></p> </div> <p>Source: <a href="https://support.activision.com/modern-warfare-iii/articles/connecting-to-modern-warfare-iii">https://support.activision.com/modern-warfare-iii/articles/connecting-to-modern-warfare-iii</a></p> <p>Further, to the extent this element is performed at least in part by Defendant's software source code, Plaintiff shall supplement these contentions pursuant to production of such source code by the Defendant.</p>
<p>[1.7] said at least one media node and said at least one media terminal being structured to transmit said at least one digital media file</p>	<p>Company makes, uses, sells and/or offers to said at least one media node and said at least one media terminal being structured to transmit said at least one digital media file therebetween via said communication link.</p> <p>This element is infringed literally, or in the alternative, under the doctrine of equivalents.</p> <p>For example, in Voice Chat Moderation feature, the player's PC or laptop ("media terminal") utilizes the established communication channel to send ("transmit") voice chats ("digital media file") to the server ("media node").</p>

Exhibit D to the Complaint.

therebetween via said communication link, and	<p>The following system specifications for <i>Call of Duty®: Modern Warfare® III</i> refer to desktop PCs. While some laptop PCs use graphics cards that align with the requirements below, they can be different models and are therefore not supported. Be sure to reference your PC owner's manual if you are unsure about your PC's specifications.</p> <p>All specifications below require a broadband internet connection and DirectX 12 compatibility.</p> <p>Specs are valid for product at launch and may be updated in the future. Additional storage space may be required for mandatory game updates.</p> <p>Source: <a href="https://support.activision.com/modern-warfare-iii/articles/pc-system-requirements-for-modern-warfare-iii">https://support.activision.com/modern-warfare-iii/articles/pc-system-requirements-for-modern-warfare-iii</a> (annotated)</p>	<p>media terminal</p>
--	--	---------------------------

Exhibit D to the Complaint.

If you're having trouble connecting to *Call of Duty: Modern Warfare III*, you should first check ***Call of Duty: Modern Warfare III Server Status***.

If the status indicator for your platform is not green or an alert is present, you might encounter connectivity issues until service is restored and fully operational.

However, if the status indicator is green and no alerts are posted, several other factors could be affecting the quality of your connection.

*We strongly recommend using a wired Ethernet connection during online gameplay. A wired connection will allow your system to achieve optimal performance when playing an online game. Wi-Fi connections have a wide variance in reliability and bandwidth, and can dramatically affect the quality of online gameplay. Wired Ethernet connections will maintain the minimum bandwidth connection that is required for online gaming.*

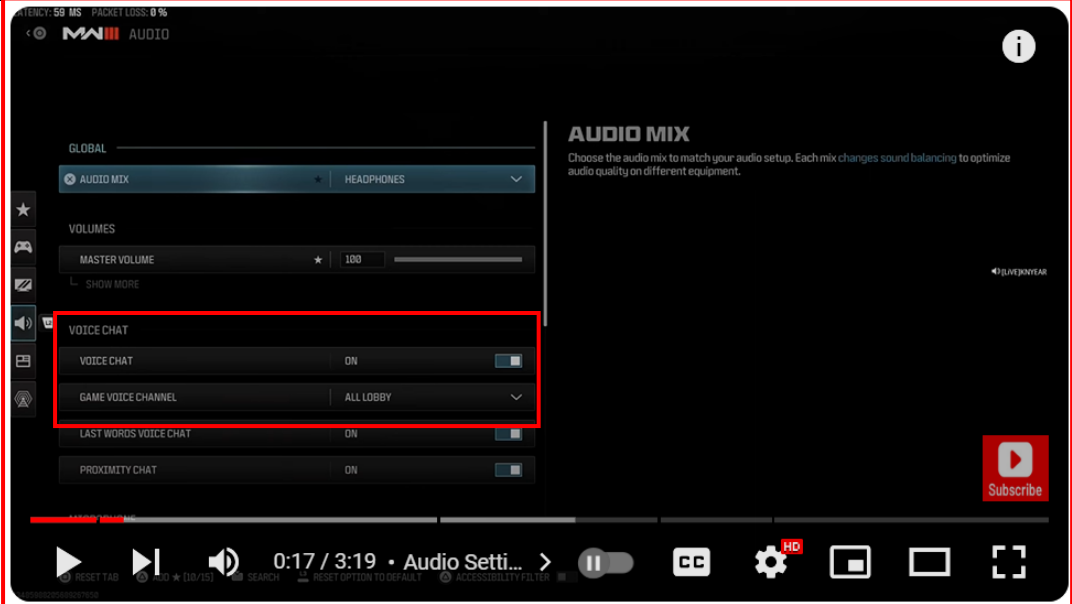
Source: <https://support.activision.com/modern-warfare-iii/articles/connecting-to-modern-warfare-iii>

Moving over in the navigation panel is a tab called Channels. This is another social tool that you and your friends can use to access and manage your party and other Social channels you may wish to create and keep track of the players you game with.

Select the Party Channel to invite players to your party and change the party settings. You can have up to 32 players in your party and maintain a voice channel for everyone to socialize in while you play. This party does not mean that you can all play together at once, but you can at least continue chatting with each other.

Source: <https://www.callofduty.com/guides/getting-started/call-of-duty-modern-warfare-iii-play-guides-getting-started-guide>

Exhibit D to the Complaint.

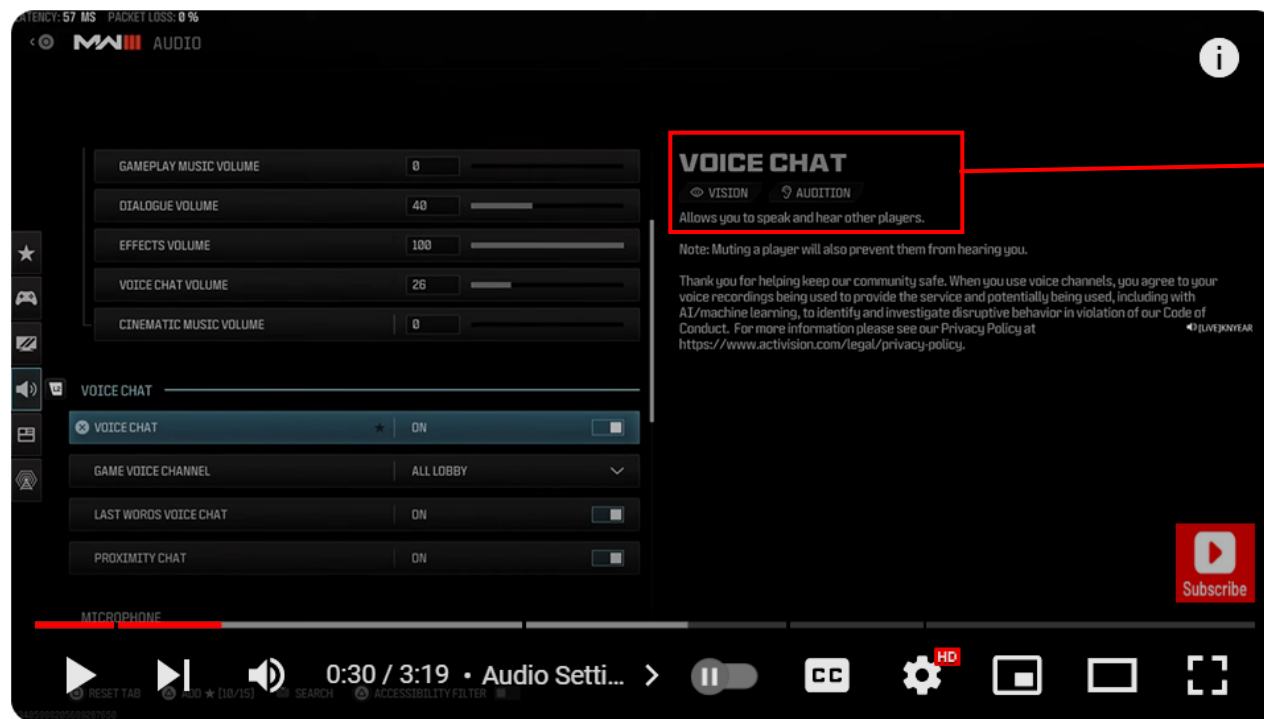


The screenshot displays a video player interface showing a game's audio settings menu. The menu is titled 'AUDIO MIX' and includes sections for 'GLOBAL', 'AUDIO MIX', 'VOLUMES', and 'VOICE CHAT'. The 'VOICE CHAT' section is highlighted with a red box. A red arrow points from the text 'media terminal' to the 'VOICE CHAT' section. The video player controls at the bottom show the video is at 0:17 / 3:19.

Source: <https://www.youtube.com/watch?v=FQNQUfAFVuE> at 0:17 (annotated)



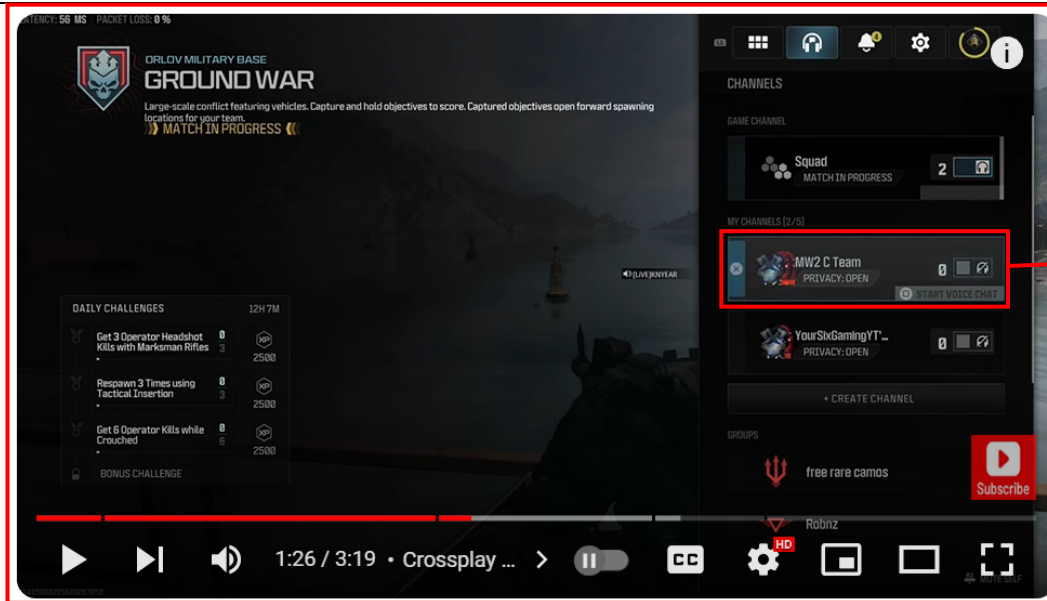
Exhibit D to the Complaint.



digital  
media file

Source: <https://www.youtube.com/watch?v=FQNQUfAFVuE> at 0:30 (annotated)

Exhibit D to the Complaint.



digital  
media file

media  
terminal

Source: <https://www.youtube.com/watch?v=FQNQUfAFVuE> at 1:26 (annotated)

### 1. Why has Call of Duty added voice chat moderation?

*Call of Duty*®'s new voice moderation protects players by proactively identifying toxic behavior and enforcing the *Call of Duty* **Code of Conduct**, allowing our community to focus on the fun.

Player reporting is still valuable and available in game for players to communicate instances of toxic or disruptive behavior they may encounter; however, voice chat moderation will increase our ability to identify and enforce against bad behavior that has gone unreported.

Source: <https://support.activision.com/articles/call-of-duty-voice-chat-moderation>

Exhibit D to the Complaint.

	<p><b>2. How does Call of Duty's voice chat moderation work?</b></p> <p>Voice Chat Moderation is managed and operated by Activision and uses the AI-powered model ToxMod from Modulate. This system is integrated into select <i>Call of Duty</i> titles (see below) and is managed by Activision. Voice chat is monitored and recorded to identify and investigate disruptive behavior in violation of the <i>Call of Duty</i> <b><u>Code of Conduct</u></b>.</p> <p><i>Call of Duty's</i> Voice Chat Moderation system is focused on detecting harm within voice chat versus specific keywords. Violations of the <i>Call of Duty</i> Code of Conduct are subject to account enforcement.</p> <p>Source: <a href="https://support.activision.com/articles/call-of-duty-voice-chat-moderation">https://support.activision.com/articles/call-of-duty-voice-chat-moderation</a></p> <p>One can only hope that the ToxMod rollout is successful and doesn't result in <u>unfair bans that many <i>Call of Duty</i> players have experienced</u>. Speaking about ToxMod, Activision chief technology officer Michael Vance says "This is a critical step forward to creating and maintaining a fun, fair and welcoming experience for all players." It is clear that Activision is taking toxicity on its servers very seriously, so while there may be some early teething problems with the new system, some cautious optimism may be in order.</p> <p>Source: <a href="https://gamerant.com/call-of-duty-modern-warfare-3-ai-voice-chat-moderation/">https://gamerant.com/call-of-duty-modern-warfare-3-ai-voice-chat-moderation/</a></p> <p>Further, to the extent this element is performed at least in part by Defendant's software source code, Plaintiff shall supplement these contentions pursuant to production of such source code by the Defendant.</p>
<p>[1.8] said communication link is structured to bypass at least one media terminal security measure.</p>	<p>Company makes, uses, sells and/or offers to sell said communication link is structured to bypass at least one media terminal security measure.</p> <p>This element is infringed literally, or in the alternative, under the doctrine of equivalents.</p> <p>For example, the player's PC or laptop and the server do not require users to input the email and the password ("security measure") every time they communicate. Instead, the email and password input are necessary during the initial connection process, and thereafter, the devices automatically exchange data without requiring users to re-enter the</p>

Exhibit D to the Complaint.


email and password ("bypassing the security measure"). Therefore, upon information and belief, the communication link is structured to bypass at least one media terminal security measure.

CALL OF DUTY  
**MODERN WARFARE III**

**SIGN IN TO YOUR CALL OF DUTY ACCOUNT**

EMAIL ADDRESS:  
[Input Field]





PASSWORD:  
[Input Field]

☐ I'm not a robot  reCAPTCHA  
Privacy · Terms

**SIGN IN**

[Need Help?](#)

OR

New to Call of Duty? [Sign Up](#)

media terminal  
security  
measure

Source:

<https://profile.callofduty.com/cod/login?redirectUrl=https%3A%2F%2Fwww.callofduty.com%2F&promo=jpt>  
(annotated)

Exhibit D to the Complaint.

If you're having trouble connecting to *Call of Duty: Modern Warfare III*, you should first check **Call of Duty: Modern Warfare III Server Status**.

If the status indicator for your platform is not green or an alert is present, you might encounter connectivity issues until service is restored and fully operational.

However, if the status indicator is green and no alerts are posted, several other factors could be affecting the quality of your connection.

*We strongly recommend using a wired Ethernet connection during online gameplay. A wired connection will allow your system to achieve optimal performance when playing an online game. Wi-Fi connections have a wide variance in reliability and bandwidth, and can dramatically affect the quality of online gameplay. Wired Ethernet connections will maintain the minimum bandwidth connection that is required for online gaming.*

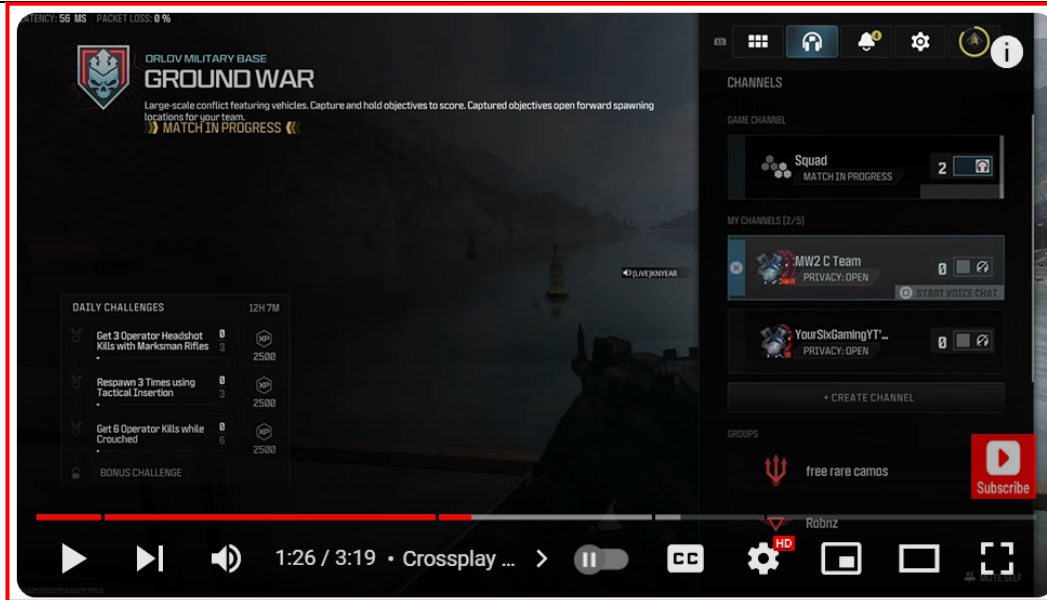
Source: <https://support.activision.com/modern-warfare-iii/articles/connecting-to-modern-warfare-iii>

Moving over in the navigation panel is a tab called Channels. This is another social tool that you and your friends can use to access and manage your party and other Social channels you may wish to create and keep track of the players you game with.

Select the Party Channel to invite players to your party and change the party settings. You can have up to 32 players in your party and maintain a voice channel for everyone to socialize in while you play. This party does not mean that you can all play together at once, but you can at least continue chatting with each other.

Source: <https://www.callofduty.com/guides/getting-started/call-of-duty-modern-warfare-iii-play-guides-getting-started-guide>

Exhibit D to the Complaint.



media  
terminal

Source: <https://www.youtube.com/watch?v=FQNQUfAFVuE> at 1:26 (annotated)

Further, to the extent this element is performed at least in part by Defendant's software source code, Plaintiff shall supplement these contentions pursuant to production of such source code by the Defendant.

[6] The digital media communication protocol recited in claim 1 wherein said digital media file is initially disposed on said at least one media terminal.

Company makes, uses, sells and/or offers to sell said digital media file is initially disposed on said at least one media terminal.

This element is infringed literally, or in the alternative, under the doctrine of equivalents.

For example, the player's PC or laptop ("media terminal") sends voice chats ("digital media file") to the server and the server stores the voice chats. Therefore, upon information and belief, the digital media file is initially disposed on the player's PC or laptop.

Exhibit D to the Complaint.

## ❶ 2. How does Call of Duty's voice chat moderation work?

Voice Chat Moderation is managed and operated by Activision and uses the AI-powered model ToxMod from Modulate. This system is integrated into select *Call of Duty* titles (see below) and is managed by Activision. Voice chat is monitored and recorded to identify and investigate disruptive behavior in violation of the *Call of Duty* **Code of Conduct**.

*Call of Duty's* Voice Chat Moderation system is focused on detecting harm within voice chat versus specific keywords. Violations of the *Call of Duty* Code of Conduct are subject to account enforcement.

Source: <https://support.activision.com/articles/call-of-duty-voice-chat-moderation>

One can only hope that the ToxMod rollout is successful and doesn't result in unfair bans that many *Call of Duty* players have experienced. Speaking about ToxMod, Activision chief technology officer Michael Vance says "This is a critical step forward to creating and maintaining a fun, fair and welcoming experience for all players." It is clear that Activision is taking toxicity on its servers very seriously, so while there may be some early teething problems with the new system, some cautious optimism may be in order.

Source: <https://gamerant.com/call-of-duty-modern-warfare-3-ai-voice-chat-moderation/>

Moving over in the navigation panel is a tab called Channels. This is another social tool that you and your friends can use to access and manage your party and other Social channels you may wish to create and keep track of the players you game with.

Select the Party Channel to invite players to your party and change the party settings. You can have up to 32 players in your party and maintain a voice channel for everyone to socialize in while you play. This party does not mean that you can all play together at once, but you can at least continue chatting with each other.

Source: <https://www.callofduty.com/guides/getting-started/call-of-duty-modern-warfare-iii-play-guides-getting-started-guide>

Exhibit D to the Complaint.

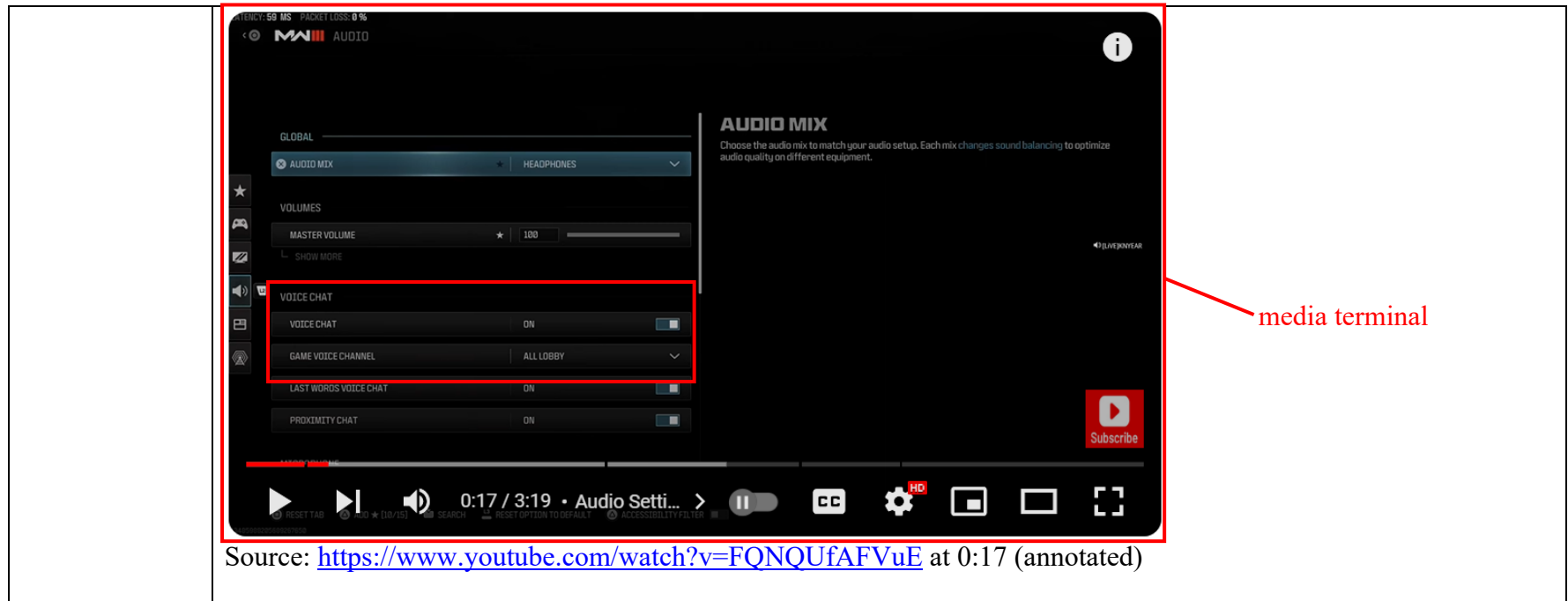
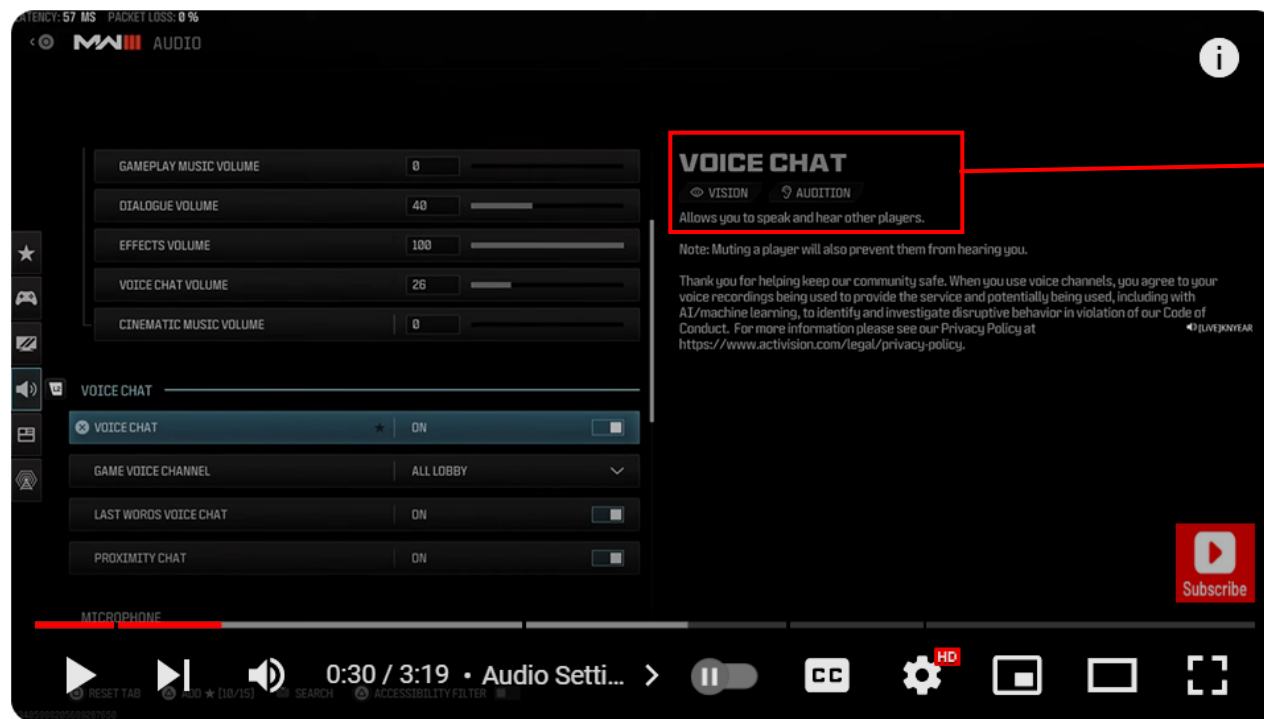




Exhibit D to the Complaint.



media file

Source: <https://www.youtube.com/watch?v=FQNQUfAFVuE> at 0:30 (annotated)

Exhibit D to the Complaint.

Source: <https://www.youtube.com/watch?v=FQNQUfAFVuE> at 1:26 (annotated)

Exhibit D to the Complaint.

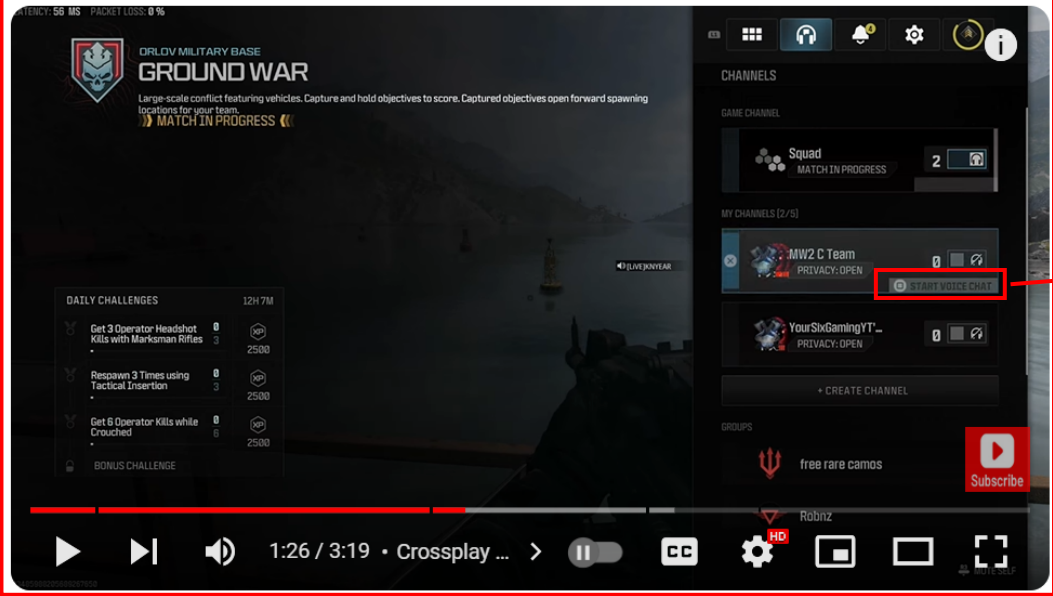
	 <p>Source: <a href="https://www.youtube.com/watch?v=FQNQUfAFVuE">https://www.youtube.com/watch?v=FQNQUfAFVuE</a> at 1:26 (annotated)</p> <p>Further, to the extent this element is performed at least in part by Defendant's software source code, Plaintiff shall supplement these contentions pursuant to production of such source code by the Defendant.</p>
<p>[7] The digital media communication protocol recited in claim 6 wherein said at least one media terminal is structured to transmit said at least one digital media file to</p>	<p>Company makes, uses, sells and/or offers to sell said at least one media terminal is structured to transmit said at least one digital media file to said at least one media node via said communication link.</p> <p>This element is infringed literally, or in the alternative, under the doctrine of equivalents.</p> <p>For example, the player's PC or laptop ("media terminal") utilizes the established communication channel to send ("transmit") voice chats ("digital media file") to the server ("media node").</p>

Exhibit D to the Complaint.

<p>said at least one media node via said communication link.</p>	<div data-bbox="436 250 1671 483" style="border: 2px solid red; padding: 5px;"> <p>The following system specifications for <i>Call of Duty®: Modern Warfare® III</i> refer to desktop PCs. While some laptop PCs use graphics cards that align with the requirements below, they can be different models and are therefore not supported. Be sure to reference your PC owner's manual if you are unsure about your PC's specifications.</p> </div> <div data-bbox="1766 354 1881 418" style="color: red;"> <p>media terminal</p> </div> <p>All specifications below require a broadband internet connection and DirectX 12 compatibility.</p> <p>Specs are valid for product at launch and may be updated in the future. Additional storage space may be required for mandatory game updates.</p> <p>Source: <a href="https://support.activision.com/modern-warfare-iii/articles/pc-system-requirements-for-modern-warfare-iii">https://support.activision.com/modern-warfare-iii/articles/pc-system-requirements-for-modern-warfare-iii</a> (annotated)</p> <div data-bbox="436 824 1539 1117" style="background-color: black; color: white; padding: 10px;"> <p>Moving over in the navigation panel is a tab called Channels. This is another social tool that you and your friends can use to access and manage your party and other Social channels you may wish to create and keep track of the players you game with.</p> <p>Select the Party Channel to invite players to your party and change the party settings. You can have up to 32 players in your party and maintain a voice channel for everyone to socialize in while you play. This party does not mean that you can all play together at once, but you can at least continue chatting with each other.</p> </div> <p>Source: <a href="https://www.callofduty.com/guides/getting-started/call-of-duty-modern-warfare-iii-play-guides-getting-started-guide">https://www.callofduty.com/guides/getting-started/call-of-duty-modern-warfare-iii-play-guides-getting-started-guide</a></p>
--	---

Exhibit D to the Complaint.

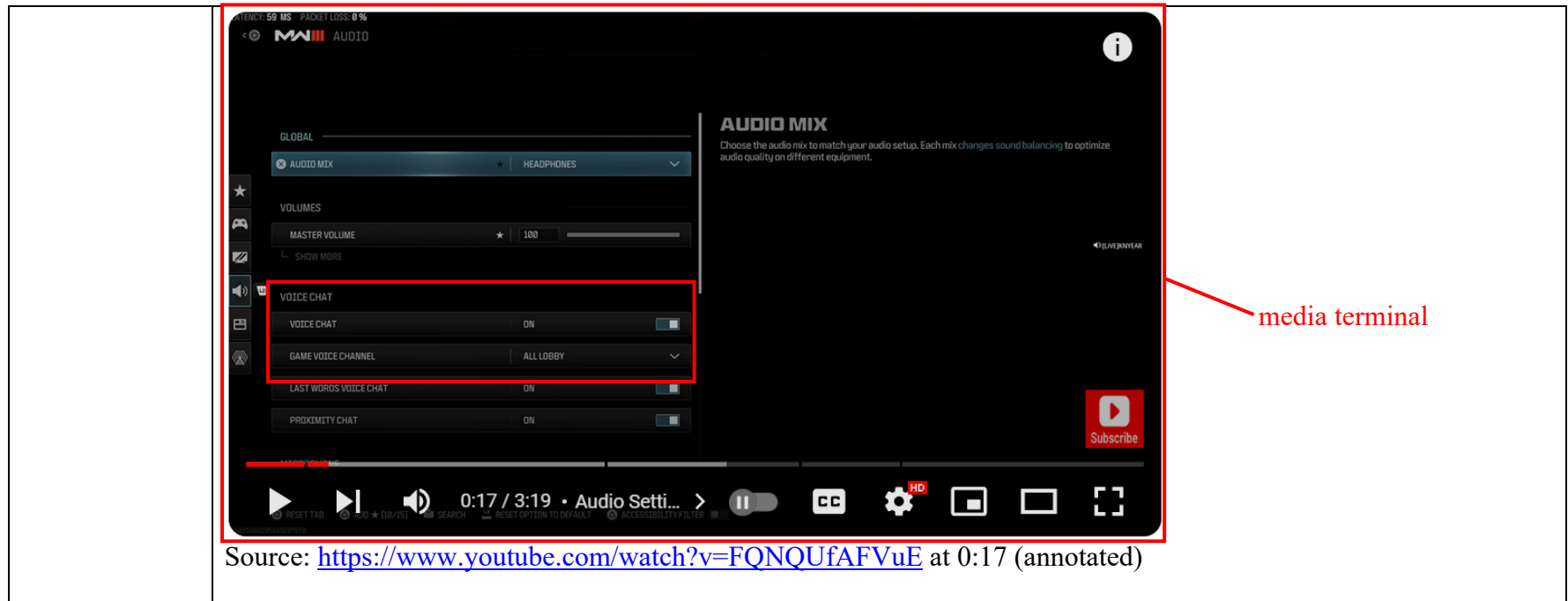


Exhibit D to the Complaint.

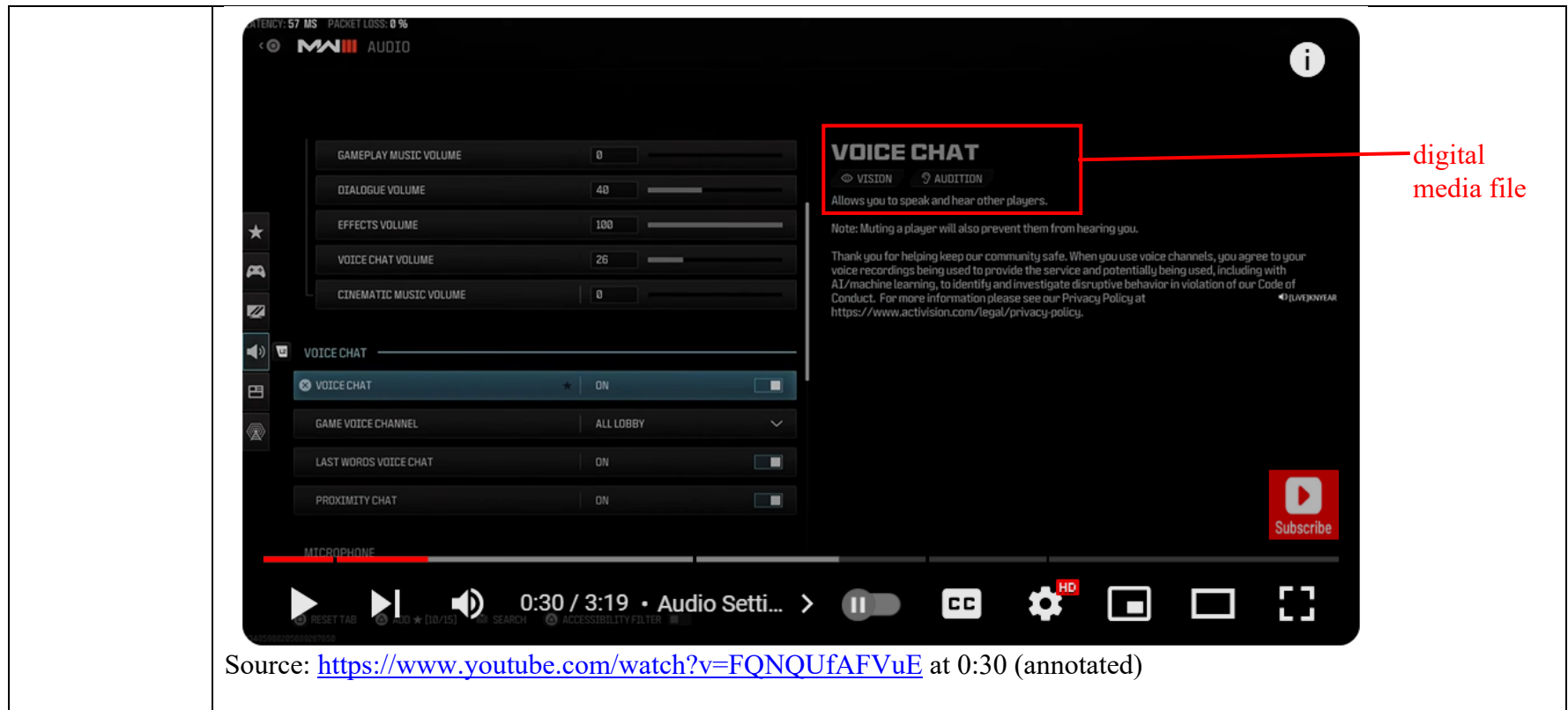
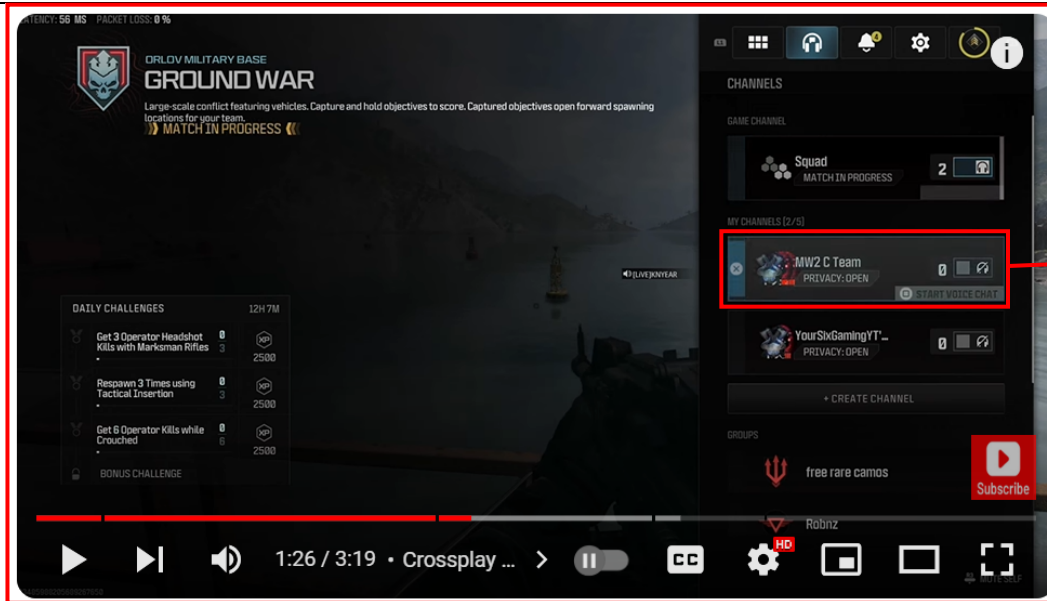


Exhibit D to the Complaint.



Source: <https://www.youtube.com/watch?v=FQNQUfAFVuE> at 1:26 (annotated)

### 1. Why has Call of Duty added voice chat moderation?

*Call of Duty*®'s new voice moderation protects players by proactively identifying toxic behavior and enforcing the *Call of Duty* **Code of Conduct**, allowing our community to focus on the fun.

Player reporting is still valuable and available in game for players to communicate instances of toxic or disruptive behavior they may encounter; however, voice chat moderation will increase our ability to identify and enforce against bad behavior that has gone unreported.

Source: <https://support.activision.com/articles/call-of-duty-voice-chat-moderation>

Exhibit D to the Complaint.

	<p>❶ 2. How does Call of Duty's voice chat moderation work?</p> <p>Voice Chat Moderation is managed and operated by Activision and uses the AI-powered model ToxMod from Modulate. This system is integrated into select <i>Call of Duty</i> titles (see below) and is managed by Activision. Voice chat is monitored and recorded to identify and investigate disruptive behavior in violation of the <i>Call of Duty</i> <b><u>Code of Conduct</u></b>.</p> <p><i>Call of Duty's</i> Voice Chat Moderation system is focused on detecting harm within voice chat versus specific keywords. Violations of the <i>Call of Duty</i> Code of Conduct are subject to account enforcement.</p> <p>Source: <a href="https://support.activision.com/articles/call-of-duty-voice-chat-moderation">https://support.activision.com/articles/call-of-duty-voice-chat-moderation</a></p> <p>One can only hope that the ToxMod rollout is successful and doesn't result in <u>unfair bans that many <i>Call of Duty</i> players have experienced</u>. Speaking about ToxMod, Activision chief technology officer Michael Vance says "This is a critical step forward to creating and maintaining a fun, fair and welcoming experience for all players." It is clear that Activision is taking toxicity on its servers very seriously, so while there may be some early teething problems with the new system, some cautious optimism may be in order.</p> <p>Source: <a href="https://gamerant.com/call-of-duty-modern-warfare-3-ai-voice-chat-moderation/">https://gamerant.com/call-of-duty-modern-warfare-3-ai-voice-chat-moderation/</a></p> <p>Further, to the extent this element is performed at least in part by Defendant's software source code, Plaintiff shall supplement these contentions pursuant to production of such source code by the Defendant.</p>
<p>[9] The digital media communication protocol recited in claim 6 wherein said at least one media node is structured to</p>	<p>Activision Publishing, Inc. ("Company") makes, uses, sells and/or offers to sell said at least one media node is structured to store said at least one digital media file.</p> <p>This element is infringed literally, or in the alternative, under the doctrine of equivalents.</p> <p>For example, the server ("media node") store voice chats ("digital media file") received from the player's PC or laptop using a wireless connection.</p>



Exhibit D to the Complaint.

<p>store said at least one digital media file.</p>	<p>❗ 2. How does Call of Duty's voice chat moderation work?</p> <div style="border: 2px solid red; padding: 10px; margin: 10px 0;"> <p>Voice Chat Moderation is managed and operated by Activision and uses the AI-powered model ToxMod from Modulate. This system is integrated into select <i>Call of Duty</i> titles (see below) and is managed by Activision. Voice chat is monitored and recorded to identify and investigate disruptive behavior in violation of the <i>Call of Duty</i> <b><u>Code of Conduct</u></b>.</p> </div> <p><i>Call of Duty's</i> Voice Chat Moderation system is focused on detecting harm within voice chat versus specific keywords. Violations of the <i>Call of Duty</i> Code of Conduct are subject to account enforcement.</p> <p>Source: <a href="https://support.activision.com/articles/call-of-duty-voice-chat-moderation">https://support.activision.com/articles/call-of-duty-voice-chat-moderation</a></p> <p>One can only hope that the ToxMod rollout is successful and doesn't result in <u>unfair bans that many <i>Call of Duty</i> players have experienced</u>. Speaking about ToxMod, Activision chief technology officer Michael Vance says "This is a critical step forward to creating and</p> <div style="border: 2px solid red; padding: 10px; margin: 10px 0;"> <p>maintaining a fun, fair and welcoming experience for all players." It is clear that Activision is taking toxicity on its servers very seriously, so while there may be some early teething problems with the new system, some cautious optimism may be in order.</p> </div> <p>Source: <a href="https://gamerant.com/call-of-duty-modern-warfare-3-ai-voice-chat-moderation/">https://gamerant.com/call-of-duty-modern-warfare-3-ai-voice-chat-moderation/</a></p> <p>Further, to the extent this element is performed at least in part by Defendant's software source code, Plaintiff shall supplement these contentions pursuant to production of such source code by the Defendant.</p>
<p>[17.P] A digital media communication protocol, comprising</p>	<p>Activision Publishing, Inc. ("Company") makes, uses, sells and/or offers to sell a digital media communication protocol.</p> <p>This element is infringed literally, or in the alternative, under the doctrine of equivalents.</p> <p>For example, the Company provides Call of Duty: Modern Warfare III, an internet-based game featuring Voice Chat. Voice Chat enables players to communicate with their friends through a wireless connection. Furthermore, Voice Chat includes a Voice Chat Moderation feature, wherein voice chats are sent to the Activision server via a wireless internet connection ("digital media communication protocol").</p>

Exhibit D to the Complaint.



Source: <https://www.callofduty.com/>

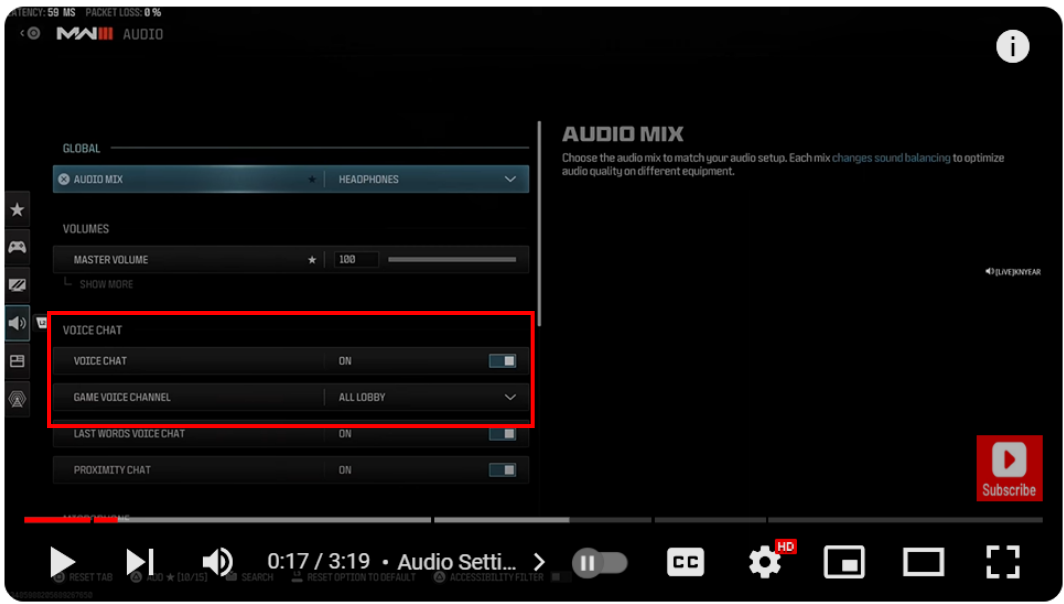
The following system specifications for *Call of Duty®: Modern Warfare® III* refer to desktop PCs. While some laptop PCs use graphics cards that align with the requirements below, they can be different models and are therefore not supported. Be sure to reference your PC owner's manual if you are unsure about your PC's specifications.

All specifications below require a broadband internet connection and DirectX 12 compatibility.

Specs are valid for product at launch and may be updated in the future. Additional storage space may be required for mandatory game updates.

Source: <https://support.activision.com/modern-warfare-iii/articles/pc-system-requirements-for-modern-warfare-iii>

Exhibit D to the Complaint.



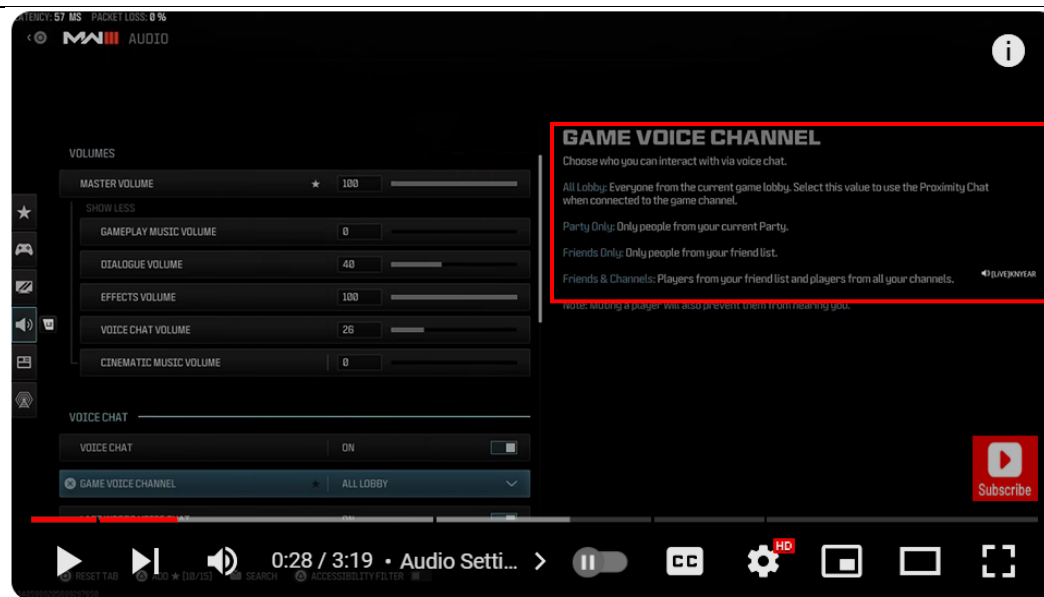
The screenshot displays the 'MWIII AUDIO' settings interface. On the left, a sidebar contains icons for various settings, with the audio icon selected. The main area is divided into 'GLOBAL' and 'AUDIO MIX' sections. The 'GLOBAL' section includes an 'AUDIO MIX' dropdown set to 'HEADPHONES' and a 'MASTER VOLUME' slider at 100. The 'AUDIO MIX' section on the right provides instructions on choosing an audio mix. The 'VOICE CHAT' section is highlighted with a red rectangular box and contains the following settings:

Setting	Value	Toggle
VOICE CHAT	ON	<input checked="" type="checkbox"/>
GAME VOICE CHANNEL	ALL LOBBY	<input type="checkbox"/>
LAST WORDS VOICE CHAT	ON	<input checked="" type="checkbox"/>
PROXIMITY CHAT	ON	<input checked="" type="checkbox"/>

At the bottom of the screen, a video player control bar shows the video is at 0:17 / 3:19, titled 'Audio Setti...', and includes standard playback controls and a 'Subscribe' button for the channel.

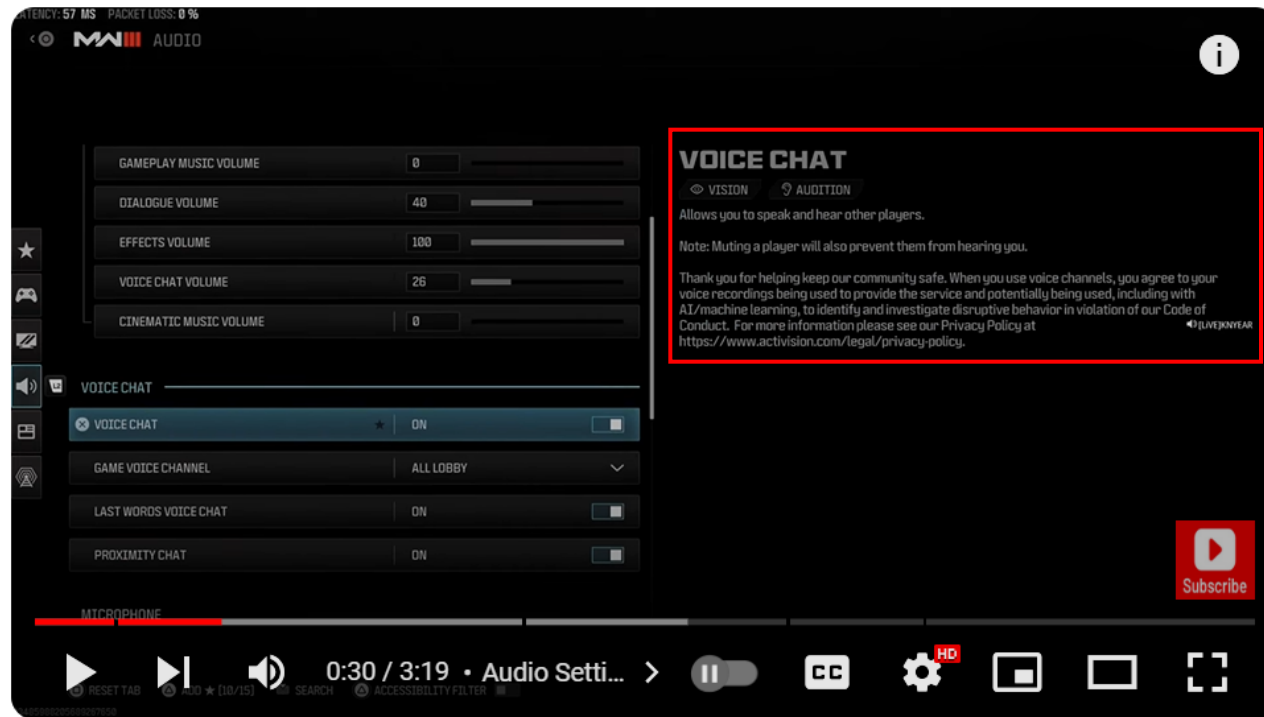
Source: <https://www.youtube.com/watch?v=FQNQUfAFVuE> at 0:17

Exhibit D to the Complaint.



Source: <https://www.youtube.com/watch?v=FQNQUfAFVuE> at 0:28

Exhibit D to the Complaint.



Source: <https://www.youtube.com/watch?v=FQNQUfAFVuE> at 0:30

Exhibit D to the Complaint.

If you're having trouble connecting to *Call of Duty: Modern Warfare III*, you should first check ***Call of Duty: Modern Warfare III Server Status***.

If the status indicator for your platform is not green or an alert is present, you might encounter connectivity issues until service is restored and fully operational.

However, if the status indicator is green and no alerts are posted, several other factors could be affecting the quality of your connection.

*We strongly recommend using a wired Ethernet connection during online gameplay. A wired connection will allow your system to achieve optimal performance when playing an online game. Wi-Fi connections have a wide variance in reliability and bandwidth, and can dramatically affect the quality of online gameplay. Wired Ethernet connections will maintain the minimum bandwidth connection that is required for online gaming.*

Source: <https://support.activision.com/modern-warfare-iii/articles/connecting-to-modern-warfare-iii>

The following tests require you to log in to the router on your home network to troubleshoot your network. You will need your router's login credentials to proceed. If you do not know your router's login credentials, you will need to contact your Internet Service Provider.

These tests refer to options that are typically found in a router's menu. If you cannot find what you're looking for, please refer to your router's manual.

You may not need to perform all of these tests, so be sure to test the game after attempting each one.

If you are on an institutional (school), corporate, or another shared network, please refer to your network administrator for further assistance.

Exhibit D to the Complaint.

	<p>Source: <a href="https://support.activision.com/modern-warfare-iii/articles/connecting-to-modern-warfare-iii">https://support.activision.com/modern-warfare-iii/articles/connecting-to-modern-warfare-iii</a></p> <p>❗ 1. Why has Call of Duty added voice chat moderation?</p> <div data-bbox="478 375 1488 500" style="border: 1px solid red; padding: 5px;"> <p><i>Call of Duty</i>®'s new voice moderation protects players by proactively identifying toxic behavior and enforcing the <i>Call of Duty</i> <b>Code of Conduct</b>, allowing our community to focus on the fun.</p> </div> <p>Player reporting is still valuable and available in game for players to communicate instances of toxic or disruptive behavior they may encounter; however, voice chat moderation will increase our ability to identify and enforce against bad behavior that has gone unreported.</p> <p>Source: <a href="https://support.activision.com/articles/call-of-duty-voice-chat-moderation">https://support.activision.com/articles/call-of-duty-voice-chat-moderation</a></p> <p>❗ 2. How does Call of Duty's voice chat moderation work?</p> <p>Voice Chat Moderation is managed and operated by Activision and uses the AI-powered model ToxMod from Modulate. This system is integrated into select <i>Call of Duty</i> titles (see below) and is managed by Activision. Voice chat is monitored and recorded to identify and investigate disruptive behavior in violation of the <i>Call of Duty</i> <b>Code of Conduct</b>.</p> <p><i>Call of Duty</i>'s Voice Chat Moderation system is focused on detecting harm within voice chat versus specific keywords. Violations of the <i>Call of Duty</i> Code of Conduct are subject to account enforcement.</p> <p>Source: <a href="https://support.activision.com/articles/call-of-duty-voice-chat-moderation">https://support.activision.com/articles/call-of-duty-voice-chat-moderation</a></p>
--	--

Exhibit D to the Complaint.

	<p>One can only hope that the ToxMod rollout is successful and doesn't result in <u>unfair bans that many <i>Call of Duty</i> players have experienced</u>. Speaking about ToxMod, Activision chief technology officer Michael Vance says “This is a critical step forward to creating and maintaining a fun, fair and welcoming experience for all players.” It is clear that Activision is taking toxicity on its servers very seriously, so while there may be some early teething problems with the new system, some cautious optimism may be in order.</p> <p>Source: <a href="https://gamerant.com/call-of-duty-modern-warfare-3-ai-voice-chat-moderation/">https://gamerant.com/call-of-duty-modern-warfare-3-ai-voice-chat-moderation/</a></p> <p>Further, to the extent this element is performed at least in part by Defendant’s software source code, Plaintiff shall supplement these contentions pursuant to production of such source code by the Defendant.</p>
<p>[17.1] at least one media terminal and at least one media node disposed in an accessible relation with at least one inter active computer network,</p>	<p>Company makes, uses, sells and/or offers to sell at least one media terminal and at least one media node disposed in an accessible relation with at least one inter active computer network.</p> <p>This element is infringed literally, or in the alternative, under the doctrine of equivalents.</p> <p>For example, Call of Duty: Modern Warfare is accessible on both PCs and laptops, with the game installed on the player's personal computer or laptop (“media terminal”). Players engage in communication with one another through the Voice Chat feature. When a player utilizes Voice Chat, their voice chats are transmitted from their PC or laptop to the Activision server (“media node”) via a wireless internet connection (“interactive computer network”). Given that players need to connect to a wireless internet connection for both playing the game and engaging in voice chat communication, it is apparent that the player's PC or laptop and the Activision server are disposed in an accessible relation with at least one inter active computer network.</p>



Exhibit D to the Complaint.


	<p>The following system specifications for <i>Call of Duty®: Modern Warfare® III</i> refer to desktop PCs. While some laptop PCs use graphics cards that align with the requirements below, they can be different models and are therefore not supported. Be sure to reference your PC owner's manual if you are unsure about your PC's specifications.</p> <p>All specifications below require a broadband internet connection and DirectX 12 compatibility.</p> <p>Specs are valid for product at launch and may be updated in the future. Additional storage space may be required for mandatory game updates.</p> <p>Source: <a href="https://support.activision.com/modern-warfare-iii/articles/pc-system-requirements-for-modern-warfare-iii">https://support.activision.com/modern-warfare-iii/articles/pc-system-requirements-for-modern-warfare-iii</a> (annotated)</p>	 <p>media terminal</p>
--	--	---

Exhibit D to the Complaint.

If you're having trouble connecting to *Call of Duty: Modern Warfare III*, you should first check ***Call of Duty: Modern Warfare III Server Status***.

If the status indicator for your platform is not green or an alert is present, you might encounter connectivity issues until service is restored and fully operational.

However, if the status indicator is green and no alerts are posted, several other factors could be affecting the quality of your connection.

*We strongly recommend using a wired Ethernet connection during online gameplay. A wired connection will allow your system to achieve optimal performance when playing an online game. Wi-Fi connections have a wide variance in reliability and bandwidth, and can dramatically affect the quality of online gameplay. Wired Ethernet connections will maintain the minimum bandwidth connection that is required for online gaming.*

interactive  
computer  
network

Source: <https://support.activision.com/modern-warfare-iii/articles/connecting-to-modern-warfare-iii> (annotated)

The following tests require you to log in to the router on your home network to troubleshoot your network. You will need your router's login credentials to proceed. If you do not know your router's login credentials, you will need to contact your Internet Service Provider.

These tests refer to options that are typically found in a router's menu. If you cannot find what you're looking for, please refer to your router's manual.

You may not need to perform all of these tests, so be sure to test the game after attempting each one.

If you are on an institutional (school), corporate, or another shared network, please refer to your network administrator for further assistance.

Exhibit D to the Complaint.

	<p>Source: <a href="https://support.activision.com/modern-warfare-iii/articles/connecting-to-modern-warfare-iii">https://support.activision.com/modern-warfare-iii/articles/connecting-to-modern-warfare-iii</a></p> <p>Further, to the extent this element is performed at least in part by Defendant's software source code, Plaintiff shall supplement these contentions pursuant to production of such source code by the Defendant.</p>
<p>[17.2] at least one digital media file initially disposed on at least one of said media terminal or said media node, said at least one media terminal structured to detect said at least one media node,</p>	<p>Company makes, uses, sells and/or offers to sell at least one digital media file initially disposed on at least one of said media terminal or said media node, said at least one media terminal structured to detect said at least one media node.</p> <p>This element is infringed literally, or in the alternative, under the doctrine of equivalents.</p> <p>For example, the player's PC or laptop ("media terminal") sends voice chats ("digital media file") to the server ("media node") through the wireless connection. Therefore, upon information and belief, the digital media file is initially disposed on the sender's platform ("media terminal"). It would be apparent to a person of ordinary skill in the art that the sender's platform ("media terminal") is structured to detect at least one media node.</p> <p><b>❶ 2. How does Call of Duty's voice chat moderation work?</b></p> <p>Voice Chat Moderation is managed and operated by Activision and uses the AI-powered model ToxMod from Modulate. This system is integrated into select <i>Call of Duty</i> titles (see below) and is managed by Activision. <u>Voice chat is monitored and recorded</u> to identify and investigate disruptive behavior in violation of the <i>Call of Duty</i> <b><u>Code of Conduct</u></b>.</p> <p><i>Call of Duty's</i> Voice Chat Moderation system is focused on detecting harm within voice chat versus specific keywords. Violations of the <i>Call of Duty</i> Code of Conduct are subject to account enforcement.</p> <p>Source: <a href="https://support.activision.com/articles/call-of-duty-voice-chat-moderation">https://support.activision.com/articles/call-of-duty-voice-chat-moderation</a></p>

Exhibit D to the Complaint.

	<p>One can only hope that the ToxMod rollout is successful and doesn't result in <u>unfair bans that many <i>Call of Duty</i> players have experienced</u>. Speaking about ToxMod, Activision chief technology officer Michael Vance says “This is a critical step forward to creating and maintaining a fun, fair and welcoming experience for all players.” It is clear that Activision is taking toxicity on its servers very seriously, so while there may be some early teething problems with the new system, some cautious optimism may be in order.</p> <p>Source: <a href="https://gamerant.com/call-of-duty-modern-warfare-3-ai-voice-chat-moderation/">https://gamerant.com/call-of-duty-modern-warfare-3-ai-voice-chat-moderation/</a></p> <p>The following system specifications for <i>Call of Duty®: Modern Warfare® III</i> refer to desktop PCs. While some laptop PCs use graphics cards that align with the requirements below, they can be different models and are therefore not supported. Be sure to reference your PC owner's manual if you are unsure about your PC's specifications.</p> <p>All specifications below require a broadband internet connection and DirectX 12 compatibility.</p> <p>Specs are valid for product at launch and may be updated in the future. Additional storage space may be required for mandatory game updates.</p> <p>Source: <a href="https://support.activision.com/modern-warfare-iii/articles/pc-system-requirements-for-modern-warfare-iii">https://support.activision.com/modern-warfare-iii/articles/pc-system-requirements-for-modern-warfare-iii</a> (annotated)</p>
--	---

media  
terminal

Exhibit D to the Complaint.

If you're having trouble connecting to *Call of Duty: Modern Warfare III*, you should first check **Call of Duty: Modern Warfare III Server Status**.

If the status indicator for your platform is not green or an alert is present, you might encounter connectivity issues until service is restored and fully operational.

However, if the status indicator is green and no alerts are posted, several other factors could be affecting the quality of your connection.

*We strongly recommend using a wired Ethernet connection during online gameplay. A wired connection will allow your system to achieve optimal performance when playing an online game. Wi-Fi connections have a wide variance in reliability and bandwidth, and can dramatically affect the quality of online gameplay. Wired Ethernet connections will maintain the minimum bandwidth connection that is required for online gaming.*

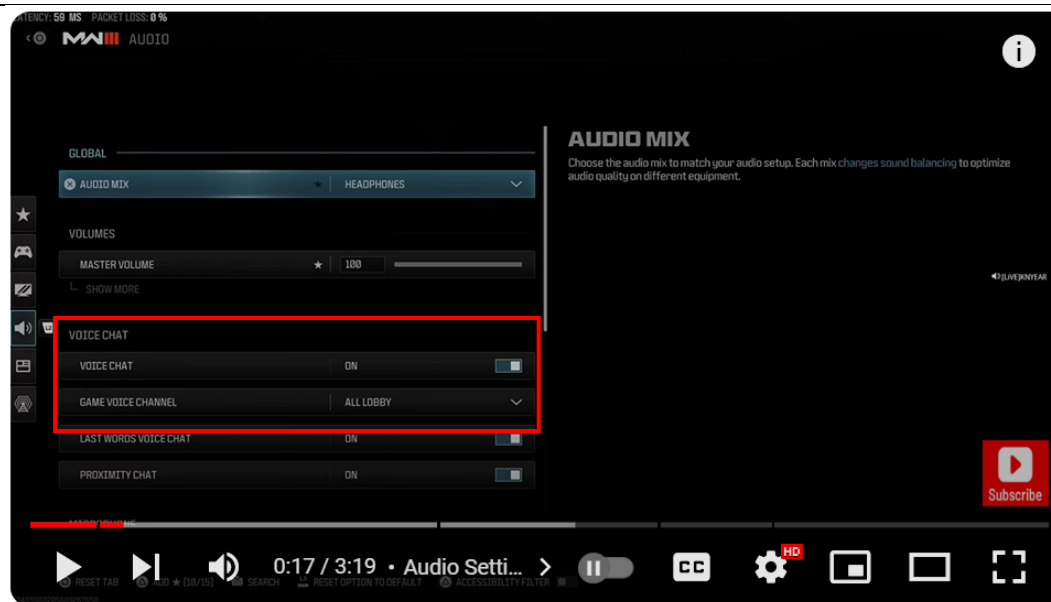
Source: <https://support.activision.com/modern-warfare-iii/articles/connecting-to-modern-warfare-iii>

Moving over in the navigation panel is a tab called Channels. This is another social tool that you and your friends can use to access and manage your party and other Social channels you may wish to create and keep track of the players you game with.

Select the Party Channel to invite players to your party and change the party settings. You can have up to 32 players in your party and maintain a voice channel for everyone to socialize in while you play. This party does not mean that you can all play together at once, but you can at least continue chatting with each other.

Source: <https://www.callofduty.com/guides/getting-started/call-of-duty-modern-warfare-iii-play-guides-getting-started-guide>

Exhibit D to the Complaint.



Source: <https://www.youtube.com/watch?v=FQNQUfAFVuE> at 0:17 (annotated)

Exhibit D to the Complaint.

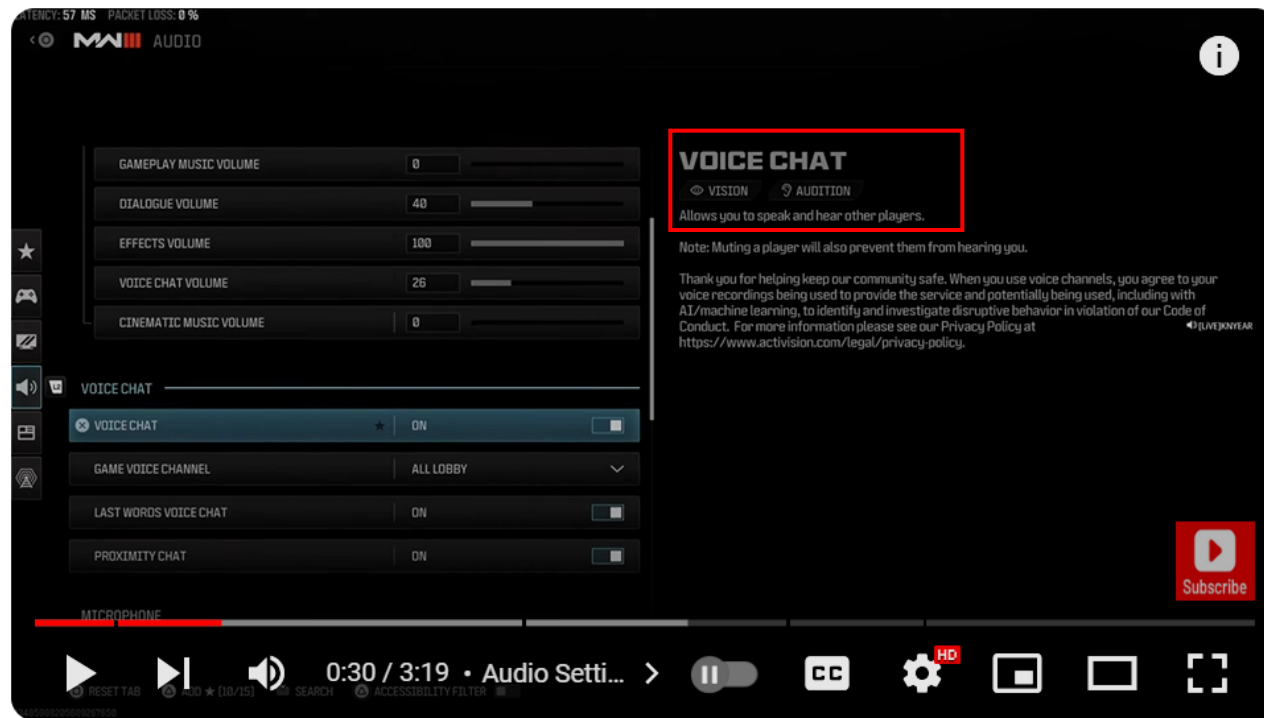


Exhibit D to the Complaint.

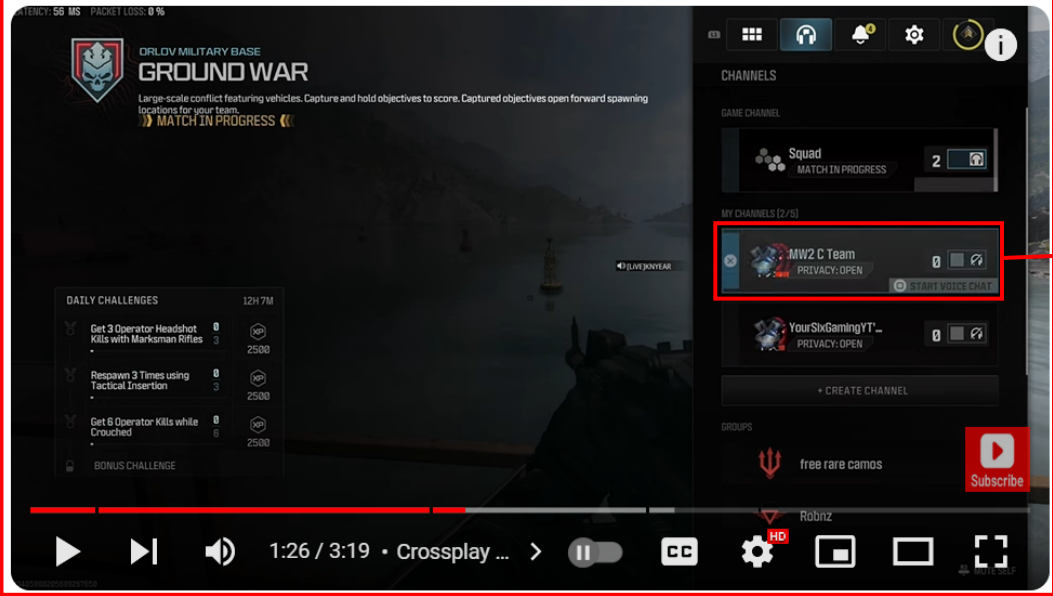
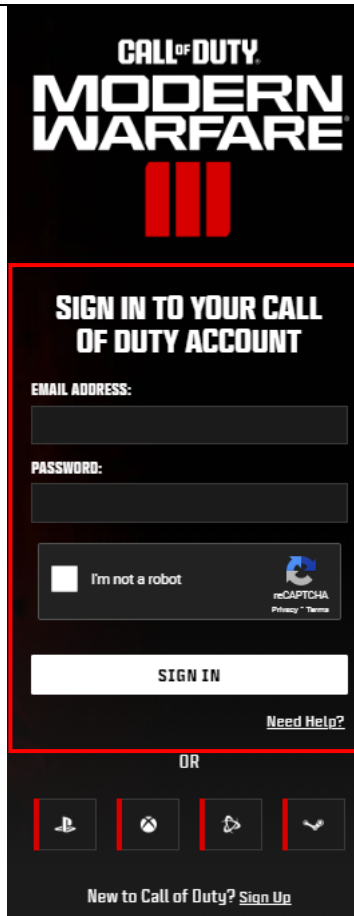
	 <p>Source: <a href="https://www.youtube.com/watch?v=FQNQUfAFVuE">https://www.youtube.com/watch?v=FQNQUfAFVuE</a> at 1:26 (annotated)</p> <p>Further, to the extent this element is performed at least in part by Defendant's software source code, Plaintiff shall supplement these contentions pursuant to production of such source code by the Defendant.</p>
<p>[17.3] a communication link structured to dispose said at least one media terminal and said at least one media node in a communicative relation with</p>	<p>Company makes, uses, sells and/or offers to sell a communication link structured to dispose said at least one media terminal and said at least one media node in a communicative relation with one another via said inter active computer network.</p> <p>This element is infringed literally, or in the alternative, under the doctrine of equivalents.</p> <p>For example, once connected to the wireless internet, the player initiates the login process to their Activision account using their PC or laptop ("media terminal"). This involves entering login credentials such as email and password through the wireless connection ("one interactive computer network"). Consequently, this procedure establishes a communication channel ("a communication link structured to dispose") between the player's PC or laptop and the Activision server ("media node").</p>



Exhibit D to the Complaint.

one another via  
said inter  
active  
computer  
network,

The image shows the login page for Call of Duty Modern Warfare. At the top, the 'CALL OF DUTY MODERN WARFARE' logo is displayed in white and red on a black background. Below the logo, the text 'SIGN IN TO YOUR CALL OF DUTY ACCOUNT' is centered. Underneath, there are two input fields: 'EMAIL ADDRESS:' and 'PASSWORD:'. Below the password field is a reCAPTCHA widget with the text 'I'm not a robot' and a small robot icon. A 'SIGN IN' button is located below the reCAPTCHA. To the right of the 'SIGN IN' button is a link that says 'Need Help?'. Below the 'SIGN IN' button, the word 'OR' is centered. At the bottom, there are four icons representing different gaming platforms: PlayStation, Xbox, Steam, and Nintendo Switch. Below these icons, the text 'New to Call of Duty? Sign Up' is displayed.

sender login to  
sender's  
platform

Source:

<https://profile.callofduty.com/cod/login?redirectUrl=https%3A%2F%2Fwww.callofduty.com%2F&promo=jpt>  
(annotated)

Exhibit D to the Complaint.

	<p>The following system specifications for <i>Call of Duty®: Modern Warfare® III</i> refer to desktop PCs. While some laptop PCs use graphics cards that align with the requirements below, they can be different models and are therefore not supported. Be sure to reference your PC owner's manual if you are unsure about your PC's specifications.</p> <p>All specifications below require a broadband internet connection and DirectX 12 compatibility.</p> <p>Specs are valid for product at launch and may be updated in the future. Additional storage space may be required for mandatory game updates.</p> <p>Source: <a href="https://support.activision.com/modern-warfare-iii/articles/pc-system-requirements-for-modern-warfare-iii">https://support.activision.com/modern-warfare-iii/articles/pc-system-requirements-for-modern-warfare-iii</a> (annotated)</p>	<p>media terminal</p>
--	--	---------------------------

Exhibit D to the Complaint.

If you're having trouble connecting to *Call of Duty: Modern Warfare III*, you should first check ***Call of Duty: Modern Warfare III Server Status***.

If the status indicator for your platform is not green or an alert is present, you might encounter connectivity issues until service is restored and fully operational.

However, if the status indicator is green and no alerts are posted, several other factors could be affecting the quality of your connection.

*We strongly recommend using a wired Ethernet connection during online gameplay. A wired connection will allow your system to achieve optimal performance when playing an online game. Wi-Fi connections have a wide variance in reliability and bandwidth, and can dramatically affect the quality of online gameplay. Wired Ethernet connections will maintain the minimum bandwidth connection that is required for online gaming.*

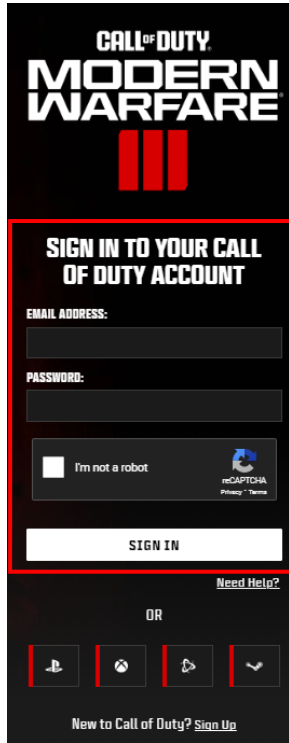
Source: <https://support.activision.com/modern-warfare-iii/articles/connecting-to-modern-warfare-iii>

One can only hope that the ToxMod rollout is successful and doesn't result in unfair bans that many *Call of Duty* players have experienced. Speaking about ToxMod, Activision chief technology officer Michael Vance says "This is a critical step forward to creating and maintaining a fun, fair and welcoming experience for all players." It is clear that Activision is taking toxicity on its servers very seriously, so while there may be some early teething problems with the new system, some cautious optimism may be in order.

Source: <https://gamerant.com/call-of-duty-modern-warfare-3-ai-voice-chat-moderation/>

Further, to the extent this element is performed at least in part by Defendant's software source code, Plaintiff shall supplement these contentions pursuant to production of such source code by the Defendant.

Exhibit D to the Complaint.

<p>[17.4] said communication link being initiated by said at least one media terminal,</p>	<p>Company makes, uses, sells and/or offers to sell said communication link being initiated by said at least one media terminal.</p> <p>This element is infringed literally, or in the alternative, under the doctrine of equivalents.</p> <p>For example, the player's PC or laptop initiates login process by inputting the login credentials such as email and password. This process established the communication channel between the player's PC or laptop and the server.</p> <div data-bbox="428 529 714 1268">  </div> <p>Source:  <a href="https://profile.callofduty.com/cod/login?redirectUrl=https%3A%2F%2Fwww.callofduty.com%2F&amp;promo=jpt">https://profile.callofduty.com/cod/login?redirectUrl=https%3A%2F%2Fwww.callofduty.com%2F&amp;promo=jpt</a>          (annotated)</p>
--	--

sender login to  
sender's  
platform

Exhibit D to the Complaint.

	<p>The following system specifications for <i>Call of Duty®: Modern Warfare® III</i> refer to desktop PCs. While some laptop PCs use graphics cards that align with the requirements below, they can be different models and are therefore not supported. Be sure to reference your PC owner's manual if you are unsure about your PC's specifications.</p> <p>All specifications below require a broadband internet connection and DirectX 12 compatibility.</p> <p>Specs are valid for product at launch and may be updated in the future. Additional storage space may be required for mandatory game updates.</p> <p>Source: <a href="https://support.activision.com/modern-warfare-iii/articles/pc-system-requirements-for-modern-warfare-iii">https://support.activision.com/modern-warfare-iii/articles/pc-system-requirements-for-modern-warfare-iii</a> (annotated)</p>	<p>media terminal</p>
--	--	---------------------------

Exhibit D to the Complaint.

	<p>If you're having trouble connecting to <i>Call of Duty: Modern Warfare III</i>, you should first check <b><u>Call of Duty: Modern Warfare III Server Status</u></b>.</p> <p>If the status indicator for your platform is not green or an alert is present, you might encounter connectivity issues until service is restored and fully operational.</p> <p>However, if the status indicator is green and no alerts are posted, several other factors could be affecting the quality of your connection.</p> <div style="background-color: #4682B4; color: white; padding: 10px; margin: 10px 0;"> <p><i>We strongly recommend using a wired Ethernet connection during online gameplay. A wired connection will allow your system to achieve optimal performance when playing an online game. Wi-Fi connections have a wide variance in reliability and bandwidth, and can dramatically affect the quality of online gameplay. Wired Ethernet connections will maintain the minimum bandwidth connection that is required for online gaming.</i></p> </div> <p>Source: <a href="https://support.activision.com/modern-warfare-iii/articles/connecting-to-modern-warfare-iii">https://support.activision.com/modern-warfare-iii/articles/connecting-to-modern-warfare-iii</a></p> <p>Further, to the extent this element is performed at least in part by Defendant's software source code, Plaintiff shall supplement these contentions pursuant to production of such source code by the Defendant.</p>
<p>[17.5] said at least one media node and said at least one media terminal structured to transmit said at least one digital media file therebetween</p>	<p>Company makes, uses, sells and/or offers to sell said at least one media node and said at least one media terminal structured to transmit said at least one digital media file therebetween via said communication link.</p> <p>This element is infringed literally, or in the alternative, under the doctrine of equivalents.</p> <p>For example, in Voice Chat Moderation feature, the player's PC or laptop ("media terminal") utilizes the established communication channel to send ("transmit") voice chats ("digital media file") to the server ("media node").</p>

Exhibit D to the Complaint.

via said communication link, wherein	<p>The following system specifications for <i>Call of Duty®: Modern Warfare® III</i> refer to desktop PCs. While some laptop PCs use graphics cards that align with the requirements below, they can be different models and are therefore not supported. Be sure to reference your PC owner's manual if you are unsure about your PC's specifications.</p> <p>All specifications below require a broadband internet connection and DirectX 12 compatibility.</p> <p>Specs are valid for product at launch and may be updated in the future. Additional storage space may be required for mandatory game updates.</p> <p>Source: <a href="https://support.activision.com/modern-warfare-iii/articles/pc-system-requirements-for-modern-warfare-iii">https://support.activision.com/modern-warfare-iii/articles/pc-system-requirements-for-modern-warfare-iii</a> (annotated)</p>	<p>media terminal</p>
---	--	---------------------------

Exhibit D to the Complaint.

If you're having trouble connecting to *Call of Duty: Modern Warfare III*, you should first check **Call of Duty: Modern Warfare III Server Status**.

If the status indicator for your platform is not green or an alert is present, you might encounter connectivity issues until service is restored and fully operational.

However, if the status indicator is green and no alerts are posted, several other factors could be affecting the quality of your connection.

*We strongly recommend using a wired Ethernet connection during online gameplay. A wired connection will allow your system to achieve optimal performance when playing an online game. Wi-Fi connections have a wide variance in reliability and bandwidth, and can dramatically affect the quality of online gameplay. Wired Ethernet connections will maintain the minimum bandwidth connection that is required for online gaming.*

Source: <https://support.activision.com/modern-warfare-iii/articles/connecting-to-modern-warfare-iii>

Moving over in the navigation panel is a tab called Channels. This is another social tool that you and your friends can use to access and manage your party and other Social channels you may wish to create and keep track of the players you game with.

Select the Party Channel to invite players to your party and change the party settings. You can have up to 32 players in your party and maintain a voice channel for everyone to socialize in while you play. This party does not mean that you can all play together at once, but you can at least continue chatting with each other.

Source: <https://www.callofduty.com/guides/getting-started/call-of-duty-modern-warfare-iii-play-guides-getting-started-guide>



Exhibit D to the Complaint.



The screenshot displays the 'AUDIO MIX' settings interface from a video player. The interface is dark-themed and includes a sidebar on the left with various game-related icons. The main content area is titled 'AUDIO MIX' and contains several sections: 'GLOBAL' with an 'AUDIO MIX' dropdown set to 'HEADPHONES', 'VOLUMES' with a 'MASTER VOLUME' slider at 100, and a 'VOICE CHAT' section highlighted by a red rectangular box. Within the 'VOICE CHAT' section, the 'VOICE CHAT' toggle is turned 'ON' and the 'GAME VOICE CHANNEL' dropdown is set to 'ALL LOBBY'. Below this, there are toggles for 'LAST WORDS VOICE CHAT' and 'PROXIMITY CHAT', both currently 'ON'. The video player controls at the bottom show the video is at 0:17 / 3:19, with a title 'Audio Setti...' and various playback controls. A 'Subscribe' button is visible in the bottom right corner of the video frame.

Source: <https://www.youtube.com/watch?v=FQNQUfAFVuE> at 0:17 (annotated)

Exhibit D to the Complaint.

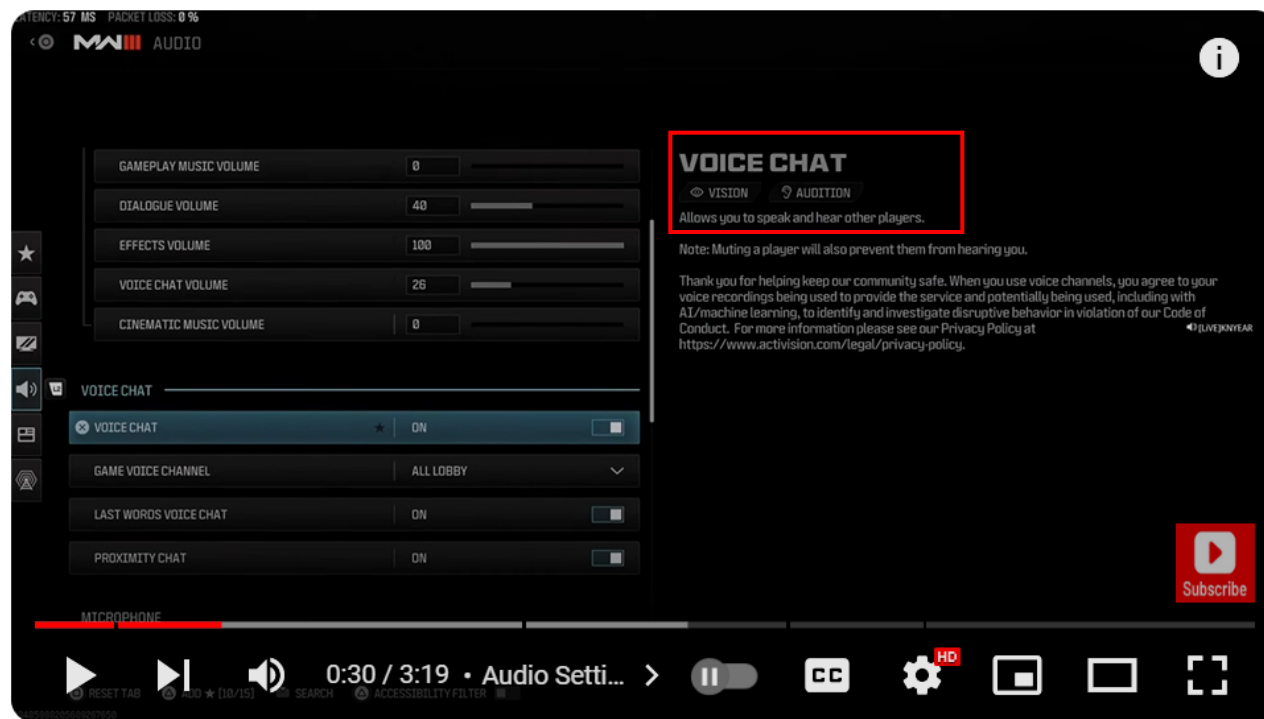
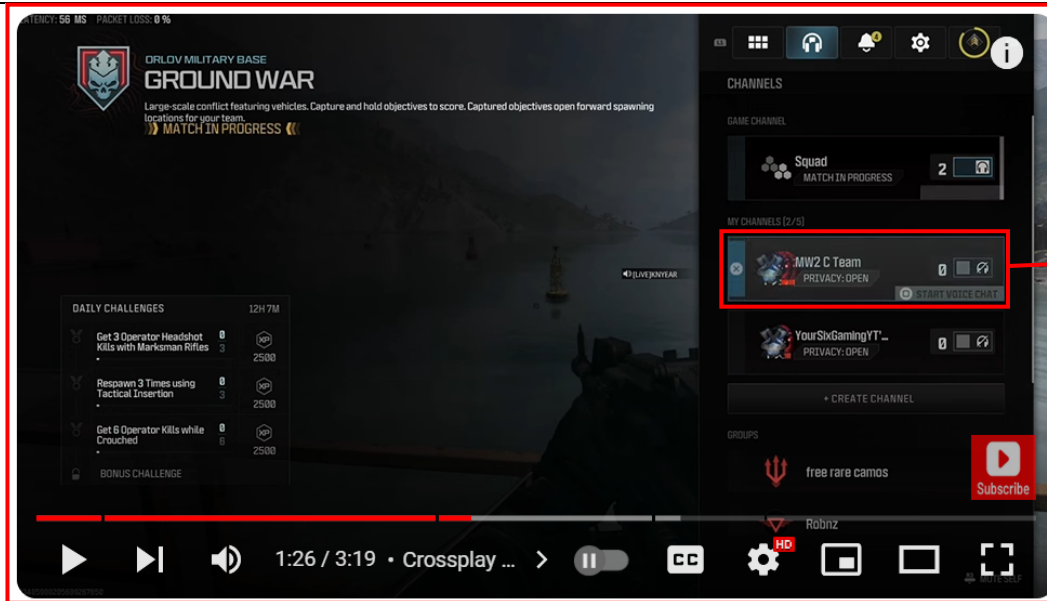


Exhibit D to the Complaint.



Source: <https://www.youtube.com/watch?v=FQNQUfAFVuE> at 1:26 (annotated)

### 1. Why has Call of Duty added voice chat moderation?

*Call of Duty*®'s new voice moderation protects players by proactively identifying toxic behavior and enforcing the *Call of Duty* **Code of Conduct**, allowing our community to focus on the fun.

Player reporting is still valuable and available in game for players to communicate instances of toxic or disruptive behavior they may encounter; however, voice chat moderation will increase our ability to identify and enforce against bad behavior that has gone unreported.

Source: <https://support.activision.com/articles/call-of-duty-voice-chat-moderation>

Exhibit D to the Complaint.

	<p>❶ 2. How does Call of Duty's voice chat moderation work?</p> <p>Voice Chat Moderation is managed and operated by Activision and uses the AI-powered model ToxMod from Modulate. This system is integrated into select <i>Call of Duty</i> titles (see below) and is managed by Activision. Voice chat is monitored and recorded to identify and investigate disruptive behavior in violation of the <i>Call of Duty</i> <b><u>Code of Conduct</u></b>.</p> <p><i>Call of Duty's</i> Voice Chat Moderation system is focused on detecting harm within voice chat versus specific keywords. Violations of the <i>Call of Duty</i> Code of Conduct are subject to account enforcement.</p> <p>Source: <a href="https://support.activision.com/articles/call-of-duty-voice-chat-moderation">https://support.activision.com/articles/call-of-duty-voice-chat-moderation</a></p> <p>One can only hope that the ToxMod rollout is successful and doesn't result in <u>unfair bans that many <i>Call of Duty</i> players have experienced</u>. Speaking about ToxMod, Activision chief technology officer Michael Vance says "This is a critical step forward to creating and maintaining a fun, fair and welcoming experience for all players." It is clear that Activision is taking toxicity on its servers very seriously, so while there may be some early teething problems with the new system, some cautious optimism may be in order.</p> <p>Source: <a href="https://gamerant.com/call-of-duty-modern-warfare-3-ai-voice-chat-moderation/">https://gamerant.com/call-of-duty-modern-warfare-3-ai-voice-chat-moderation/</a></p> <p>Further, to the extent this element is performed at least in part by Defendant's software source code, Plaintiff shall supplement these contentions pursuant to production of such source code by the Defendant.</p>
<p>[17.6] said communication link is structured to bypass at least one media terminal security measure.</p>	<p>Company makes, uses, sells and/or offers to sell said communication link is structured to bypass at least one media terminal security measure.</p> <p>This element is infringed literally, or in the alternative, under the doctrine of equivalents.</p> <p>For example, the player's PC or laptop and the server do not require users to input the email and the password ("security measure") every time they communicate. Instead, the email and password input are necessary during the initial connection process, and thereafter, the devices automatically exchange data without requiring users to re-enter the</p>

Exhibit D to the Complaint.


email and password ("bypass at least one media terminal security measure"). Therefore, upon information and belief, the communication link is structured to bypass at least one media terminal security measure.

**CALL OF DUTY  
MODERN  
WARFARE  
III**

**SIGN IN TO YOUR CALL  
OF DUTY ACCOUNT**

EMAIL ADDRESS:  
[input field]





PASSWORD:  
[input field]

☐ I'm not a robot  reCAPTCHA  
Privacy · Terms

**SIGN IN**

[Need Help?](#)

OR

New to Call of Duty? [Sign Up](#)

media terminal  
security  
measure

Source:

<https://profile.callofduty.com/cod/login?redirectUrl=https%3A%2F%2Fwww.callofduty.com%2F&promo=jpt>  
(annotated)

Exhibit D to the Complaint.

If you're having trouble connecting to *Call of Duty: Modern Warfare III*, you should first check **Call of Duty: Modern Warfare III Server Status**.

If the status indicator for your platform is not green or an alert is present, you might encounter connectivity issues until service is restored and fully operational.

However, if the status indicator is green and no alerts are posted, several other factors could be affecting the quality of your connection.

*We strongly recommend using a wired Ethernet connection during online gameplay. A wired connection will allow your system to achieve optimal performance when playing an online game. Wi-Fi connections have a wide variance in reliability and bandwidth, and can dramatically affect the quality of online gameplay. Wired Ethernet connections will maintain the minimum bandwidth connection that is required for online gaming.*

Source: <https://support.activision.com/modern-warfare-iii/articles/connecting-to-modern-warfare-iii>

Moving over in the navigation panel is a tab called Channels. This is another social tool that you and your friends can use to access and manage your party and other Social channels you may wish to create and keep track of the players you game with.

Select the Party Channel to invite players to your party and change the party settings. You can have up to 32 players in your party and maintain a voice channel for everyone to socialize in while you play. This party does not mean that you can all play together at once, but you can at least continue chatting with each other.

Source: <https://www.callofduty.com/guides/getting-started/call-of-duty-modern-warfare-iii-play-guides-getting-started-guide>

Exhibit D to the Complaint.

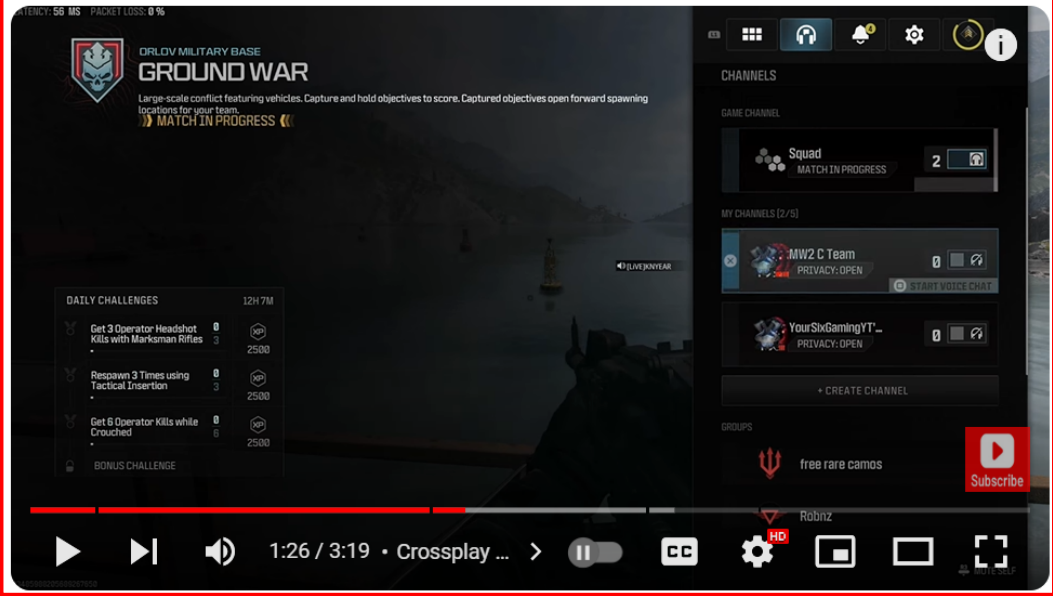
	 <p>Source: <a href="https://www.youtube.com/watch?v=FQNQUfAFVuE">https://www.youtube.com/watch?v=FQNQUfAFVuE</a> at 1:26 (annotated)</p> <p>Further, to the extent this element is performed at least in part by Defendant's software source code, Plaintiff shall supplement these contentions pursuant to production of such source code by the Defendant.</p>
<p>[18] The digital media communication protocol recited in claim 17 further comprising a wireless range structured to permit authorized access to said at</p>	<p>Company makes, uses, sells and/or offers to sell a wireless range structured to permit authorized access to said at least one interactive computer network.</p> <p>This element is infringed literally, or in the alternative, under the doctrine of equivalents.</p> <p>For example, the player's personal computer or laptop logs in to the router using its login credentials ("authorized access") for establishing wireless connection to the wireless internet ("interactive computer network"). As wireless routers inherently possess a specified range, therefore, it is apparent to a person having ordinary skill in the art that a wireless range is structured to permit authorized access to at least one interactive computer network.</p>

Exhibit D to the Complaint.

<p>least one interactive computer network.</p>	<p>If you're having trouble connecting to <i>Call of Duty: Modern Warfare III</i>, you should first check <b><u><i>Call of Duty: Modern Warfare III Server Status</i></u></b>.</p> <p>If the status indicator for your platform is not green or an alert is present, you might encounter connectivity issues until service is restored and fully operational.</p> <p>However, if the status indicator is green and no alerts are posted, several other factors could be affecting the quality of your connection.</p> <div data-bbox="449 609 1730 911" style="background-color: #4682B4; color: white; padding: 10px; border: 1px solid #C00000;"> <p><b><i>We strongly recommend using a wired Ethernet connection during online gameplay. A wired connection will allow your system to achieve optimal performance when playing an online game. Wi-Fi connections have a wide variance in reliability and bandwidth, and can dramatically affect the quality of online gameplay. Wired Ethernet connections will maintain the minimum bandwidth connection that is required for online gaming.</i></b></p> </div> <p>Source: <a href="https://support.activision.com/modern-warfare-iii/articles/connecting-to-modern-warfare-iii">https://support.activision.com/modern-warfare-iii/articles/connecting-to-modern-warfare-iii</a></p> <p>The following tests <u>require you to log in to the router on your home network to troubleshoot your network. You will need your router's login credentials to proceed.</u> If you do not know your router's login credentials, you will need to contact your Internet Service Provider.</p> <p>These tests refer to options that are typically found in a router's menu. If you cannot find what you're looking for, please refer to your router's manual.</p> <p>You may not need to perform all of these tests, so be sure to test the game after attempting each one.</p> <p>If you are on an institutional (school), corporate, or another shared network, please refer to your network administrator for further assistance.</p>
--	---



Exhibit D to the Complaint.

	<p>Source: <a href="https://support.activision.com/modern-warfare-iii/articles/connecting-to-modern-warfare-iii">https://support.activision.com/modern-warfare-iii/articles/connecting-to-modern-warfare-iii</a></p> <p>Call of Duty is taking the next leap forward in its commitment to combat toxic and disruptive behavior with in-game voice chat moderation beginning with the launch of <i>Call of Duty®: Modern Warfare® III</i> this November 10th. Activision will team with Modulate to deliver global real-time voice chat moderation, at-scale, starting with this fall's upcoming Call of Duty blockbuster.</p> <p>Call of Duty's new voice chat moderation system utilizes ToxMod, the AI-Powered voice chat moderation technology from Modulate, to identify in real-time and enforce against toxic speech—including hate speech, discriminatory language, harassment and more. This new development will bolster the ongoing moderation systems led by the Call of Duty anti-toxicity team, which includes text-based filtering across 14 languages for in-game text [chat and usernames] as well as a robust in-game player reporting system.</p> <p>Source: <a href="https://www.callofduty.com/blog/2023/08/call-of-duty-modern-warfare-warzone-anti-toxicity-progress-report">https://www.callofduty.com/blog/2023/08/call-of-duty-modern-warfare-warzone-anti-toxicity-progress-report</a></p> <p>One can only hope that the ToxMod rollout is successful and doesn't result in <u>unfair bans that many <i>Call of Duty</i> players have experienced</u>. Speaking about ToxMod, Activision chief technology officer Michael Vance says “This is a critical step forward to creating and maintaining a fun, fair and welcoming experience for all players.” It is clear that Activision is taking toxicity on its servers very seriously, so while there may be some early teething problems with the new system, some cautious optimism may be in order.</p> <p>Source: <a href="https://gamerant.com/call-of-duty-modern-warfare-3-ai-voice-chat-moderation/">https://gamerant.com/call-of-duty-modern-warfare-3-ai-voice-chat-moderation/</a></p> <p>Further, to the extent this element is performed at least in part by Defendant's software source code, Plaintiff shall supplement these contentions pursuant to production of such source code by the Defendant.</p>
[19] The digital media	<p>Company makes, uses, sells and/or offers to sell said at least one media node is disposable within said wireless range and detectable by said at least one media terminal.</p>

Exhibit D to the Complaint.

<p>communication protocol recited in claim 18 wherein said at least one media node is disposable within said wireless range and detectable by said at least one media terminal.</p>	<p>This element is infringed literally, or in the alternative, under the doctrine of equivalents.</p> <p>For example, the player establishes a connection to the wireless internet by logging into any local wireless router. Subsequently, during gameplay, the player's PC or laptop ("media terminal") transmits voice chats to the Activision server ("media node") through the established wireless connection. Given that wireless routers have a defined range and the player's device connects to it before initiating an internet connection, it follows that the player's PC or laptop communicates with the Activision server. Therefore, upon information and belief, the server is disposed within said wireless range and it is detectable by the player's PC or laptop.</p> <p>If you're having trouble connecting to <i>Call of Duty: Modern Warfare III</i>, you should first check <b><u><i>Call of Duty: Modern Warfare III Server Status</i></u></b>.</p> <p>If the status indicator for your platform is not green or an alert is present, you might encounter connectivity issues until service is restored and fully operational.</p> <p>However, if the status indicator is green and no alerts are posted, several other factors could be affecting the quality of your connection.</p> <div data-bbox="449 974 1730 1276" style="background-color: #4682B4; color: white; padding: 10px; margin: 10px 0;"> <p><i>We strongly recommend using a wired Ethernet connection during online gameplay. A wired connection will allow your system to achieve optimal performance when playing an online game. Wi-Fi connections have a wide variance in reliability and bandwidth, and can dramatically affect the quality of online gameplay. Wired Ethernet connections will maintain the minimum bandwidth connection that is required for online gaming.</i></p> </div> <p>Source: <a href="https://support.activision.com/modern-warfare-iii/articles/connecting-to-modern-warfare-iii">https://support.activision.com/modern-warfare-iii/articles/connecting-to-modern-warfare-iii</a></p>
---	---

Exhibit D to the Complaint.

The following tests require you to log in to the router on your home network to troubleshoot your network. You will need your router's login credentials to proceed. If you do not know your router's login credentials, you will need to contact your Internet Service Provider.

These tests refer to options that are typically found in a router's menu. If you cannot find what you're looking for, please refer to your router's manual.

You may not need to perform all of these tests, so be sure to test the game after attempting each one.

If you are on an institutional (school), corporate, or another shared network, please refer to your network administrator for further assistance.

Source: <https://support.activision.com/modern-warfare-iii/articles/connecting-to-modern-warfare-iii>

Moving over in the navigation panel is a tab called Channels. This is another social tool that you and your friends can use to access and manage your party and other Social channels you may wish to create and keep track of the players you game with.

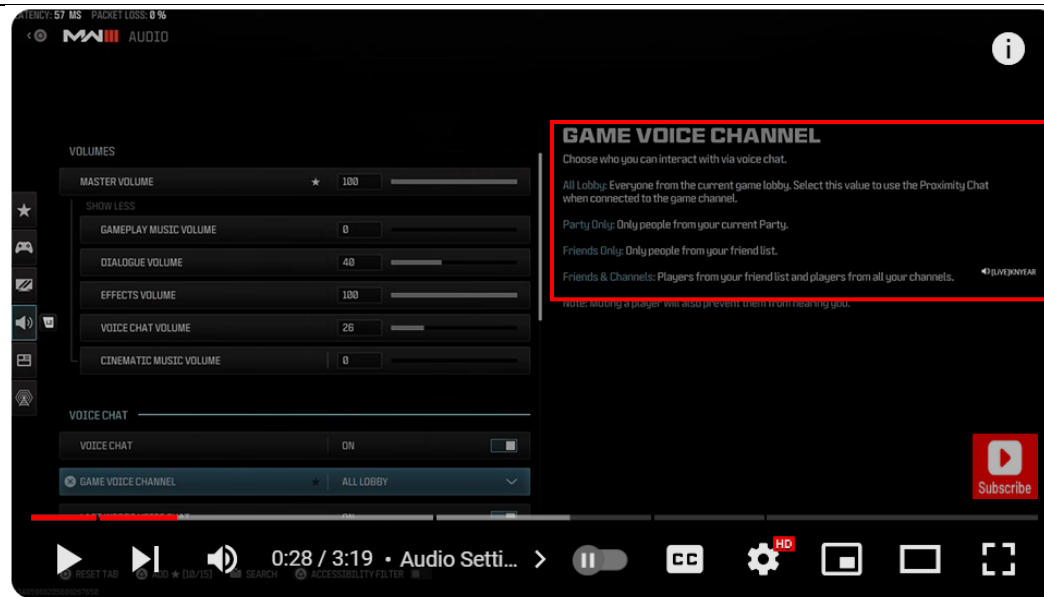
Select the Party Channel to invite players to your party and change the party settings. You can have up to 32 players in your party and maintain a voice channel for everyone to socialize in while you play. This party does not mean that you can all play together at once, but you can at least continue chatting with each other.

Source: <https://www.callofduty.com/guides/getting-started/call-of-duty-modern-warfare-iii-play-guides-getting-started-guide>

Exhibit D to the Complaint.

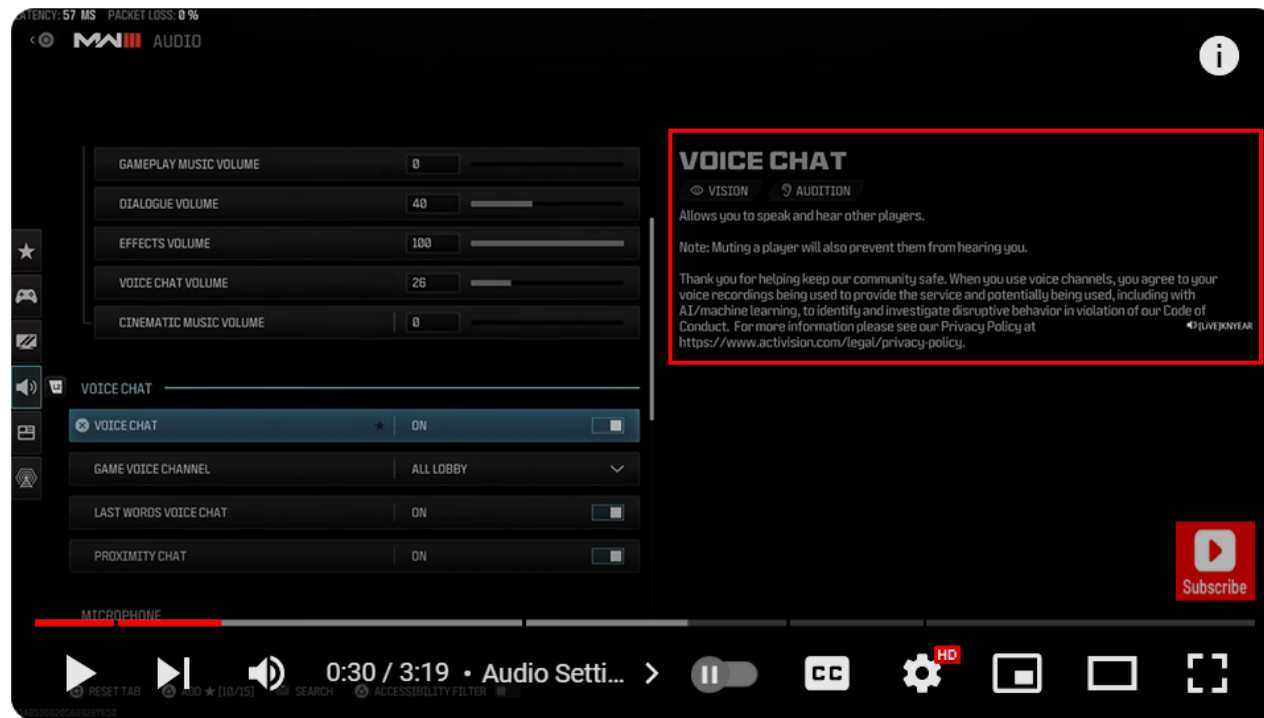


Exhibit D to the Complaint.



Source: <https://www.youtube.com/watch?v=FQNQUfAFVuE> at 0:28

Exhibit D to the Complaint.



Source: <https://www.youtube.com/watch?v=FQNQUfAFVuE> at 0:30

Further, to the extent this element is performed at least in part by Defendant's software source code, Plaintiff shall supplement these contentions pursuant to production of such source code by the Defendant.

Exhibit D to the Complaint.

## 2. List of References

1. <https://www.callofduty.com/>, last accessed on December 22, 2023.
2. <https://support.activision.com/modern-warfare-iii/articles/pc-system-requirements-for-modern-warfare-iii>, last accessed on December 22, 2023.
3. <https://support.activision.com/modern-warfare-iii/articles/connecting-to-modern-warfare-iii>, last accessed on December 22, 2023.
4. <https://www.callofduty.com/guides/getting-started/call-of-duty-modern-warfare-iii-play-guides-getting-started-guide>, last accessed on December 22, 2023.
5. <https://support.activision.com/articles/call-of-duty-voice-chat-moderation>, last accessed on December 22, 2023.
6. <https://profile.callofduty.com/cod/login?redirectUrl=https%3A%2F%2Fwww.callofduty.com%2F&promo=jpt>, last accessed on December 22, 2023.
7. <https://www.youtube.com/watch?v=FQNQUfAFVuE>, last accessed on December 22, 2023.